

# As Introduced

134th General Assembly  
Regular Session  
2021-2022

H. B. No. 110

Representative Oelslager

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## A BILL

To amend sections 9.318, 9.821, 9.822, 9.83, 102.02, 1  
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amend, for the purpose of adopting new section	84
numbers as indicated in parentheses, sections	85
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(122.922), 123.153 (122.923), 123.154 (122.924),	87
and 3746.071 (3746.07); to enact sections 9.27,	88
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H.B. 59 of the 130th General Assembly, as	114
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of H.B. 59 of the 130th General Assembly; to amend	116
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the Revised Code; to make operating appropriations 134  
for the biennium beginning July 1, 2021, and 135  
ending June 30, 2023, to levy taxes, and to 136  
provide authorization and conditions for the 137  
operation of state programs. 138

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

**Section 101.01.** That sections 9.318, 9.821, 9.822, 9.83, 139  
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6111.13 be amended; sections 9.318 (122.925), 123.151 (122.921), 200  
123.152 (122.922), 123.153 (122.923), 123.154 (122.924), and 201  
3746.071 (3746.07) be amended, for the purpose of adopting new 202  
section numbers as indicated in parentheses; and sections 9.27, 203  
124.1312, 169.18, 173.012, 1503.271, 1547.533, 1707.47, 1707.471, 204  
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5101.1416, 5101.1417, 5101.1418, 5101.805, 5103.163, 5123.025, 212  
5123.026, 5123.034, and 5751.015 of the Revised Code be enacted to 213  
read as follows: 214

Sec. 9.27. (A) As used in this section, "state" and "state 215  
agency" mean the state of Ohio, including the general assembly, 216

the supreme court, the offices of all elected state officers, and 217  
all departments, boards, offices, commissions, agencies, 218  
institutions, and other instrumentalities of the state of Ohio. 219

(B) Except as otherwise required or permitted by state or 220  
federal law, a contract entered into by the state for the 221  
procurement of goods or services shall not include any of the 222  
following: 223

(1) A provision that requires the state to indemnify or hold 224  
harmless another person. 225

(2) A provision by which the state agrees to binding 226  
arbitration or any other binding extra-judicial dispute resolution 227  
process. 228

(3) A provision that names a venue for any action or dispute 229  
against the state other than a court of proper jurisdiction in 230  
Franklin county, Ohio. 231

(4) A provision that requires the state to agree to limit the 232  
liability for any direct loss to the state for bodily injury, 233  
death, or damage to property of the state caused by the 234  
negligence, intentional or willful misconduct, fraudulent act, 235  
recklessness, or other tortious conduct of a person or a person's 236  
employees or agents, or a provision that would otherwise impose an 237  
indemnification obligation on the state. 238

(5) A provision that requires the state to be bound by a term 239  
or condition that is unknown to the state at the time of signing a 240  
contract, that is not specifically negotiated with the state, that 241  
may be unilaterally changed by the other party, or that is 242  
electronically accepted by a state employee. 243

(6) A provision that provides for a person other than the 244  
attorney general to serve as legal counsel for the state or for 245  
any state agency, unless allowed for under the process set forth 246

<u>in section 109.07 of the Revised Code.</u>	247
<u>(7) A provision that is inconsistent with the state's obligations under section 149.43 of the Revised Code.</u>	248 249
<u>(8) A provision for automatic renewal such that state funds are or would be obligated in subsequent fiscal years.</u>	250 251
<u>(9) A provision that limits the state's ability to recover the cost of cover for a replacement contractor.</u>	252 253
<u>(C) If a contract contains a term or condition described in division (B) of this section, the term or condition is void ab initio, and the contract containing that term or condition otherwise shall be enforceable as if it did not contain such term or condition.</u>	254 255 256 257 258
<u>(D) A contract that contains a term or condition described in division (B) of this section shall be governed by and construed in accordance with Ohio law notwithstanding any term or condition to the contrary in the contract.</u>	259 260 261 262
<u>(E) This section does not apply to a contract in effect before the effective date of this section or to the renewal or extension of a contract in effect before the effective date of this section.</u>	263 264 265 266
<b>Sec. 9.821.</b> (A) The department of administrative services shall direct and manage for state agencies all risk management and insurance programs authorized under section 9.822 of the Revised Code.	267 268 269 270
(B) The office of risk management is hereby established within the department of administrative services. The director of administrative services, or a deputy director appointed by the director, shall control and supervise the office.	271 272 273 274
(C) The office may take any of the following actions that it determines to be in the best interests of the state:	275 276

(1) Provide all insurance coverages for the state, including,	277
but not limited to, <del>automobile</del> <u>vehicle</u> liability, casualty,	278
property, public liability, and fidelity bonding. The cost of	279
insurance coverage shall be paid from appropriations made to the	280
state agencies that the office has designated to receive the	281
coverage.	282
(2) Provide coverage of legal expenses that are necessary and	283
related to the legal defense of claims against the state;	284
(3) Purchase insurance policies consistent with sections	285
125.01 to 125.111 of the Revised Code, develop and administer	286
self-insurance programs, or do both;	287
(4) Consolidate and combine state insurance coverages;	288
(5) Provide technical services in risk management and	289
insurance to state agencies;	290
(6) Adopt and publish, in accordance with section 111.15 of	291
the Revised Code, necessary rules and procedures governing the	292
administration of the state's insurance and risk management	293
activities.	294
(D) No state agency, except a state agency exempted under	295
section 125.02 or 125.04 of the Revised Code from the department's	296
purchasing authority, shall purchase any insurance described in	297
this section except as authorized by the department, when the	298
office of risk management determines that the purchase is in the	299
best interest of the state pursuant to division (C)(1) of this	300
section, and in accordance with terms, conditions, and procurement	301
methods established by the department.	302
(E) With respect to any civil action, demand, or claim	303
against the state that could be filed in the court of claims,	304
nothing in sections 9.82 to 9.823 of the Revised Code shall be	305
interpreted to permit the settlement or compromise of those civil	306
actions, demands, or claims, except in the manner provided in	307

Chapter 2743. of the Revised Code. 308

(F) The department of administrative services and the office 309  
of risk management, while acting pursuant to the responsibilities 310  
prescribed in sections 9.82 to 9.83 of the Revised Code, are 311  
performing a public duty, as defined in section 2743.01 of the 312  
Revised Code. 313

**Sec. 9.822.** (A) The department of administrative services 314  
through the office of risk management shall establish an insurance 315  
plan or plans that may provide for self-insurance or the purchase 316  
of insurance, or both, for ~~either~~ any of the following purposes: 317

(1) Insuring state real and personal property against losses 318  
occasioned by fire, windstorm, or other accidents and perils; 319

(2) Insuring the state and its officers and employees against 320  
liability resulting from any civil action, demand, or claim 321  
against the state or its officers and employees arising out of any 322  
act or omission of an officer or employee in the performance of 323  
official duties, except acts and omissions for which 324  
indemnification is prohibited under section 9.87 of the Revised 325  
Code; 326

(3) Insuring and maintaining a judicial liability program. 327

(B) The department of administrative services through the 328  
office of risk management shall establish ~~one or more insurance 329~~  
~~plans that provide for the purchase of insurance and administer a 330~~  
~~crime and bond program~~ for the purpose of insuring the state 331  
~~through the fidelity bonding of state officers, employees, and 332~~  
~~agents who are required by law to provide a fidelity bond. Nothing 333~~  
~~in this section shall be construed to allow the department of 334~~  
~~administrative services through the office of risk management to 335~~  
~~administer the state's fidelity bonding program through a program 336~~  
~~of self insurance. and third parties against loss due to the 337~~

dishonest acts of state officers, employees, and agents. In 338  
addition, public official bonds shall be purchased for all 339  
officials and employees who are required by law to provide a bond. 340  
Such bonds may be in the form of a blanket bond, or scheduled 341  
position bond, provided the penal sums meet the statutory 342  
requirement. 343

**Sec. 9.83.** (A) The state and any political subdivision may 344  
procure a policy or policies of insurance insuring its officers 345  
and employees against liability for injury, death, or loss to 346  
person or property that ~~arises out of the operation of an~~ 347  
~~automobile, truck, motor vehicle with auxiliary equipment,~~ 348  
~~self-propelling equipment or trailer, aircraft, or watercraft by~~ 349  
~~the officers or employees while engaged~~ occurs in the course of 350  
their employment or official responsibilities for the state or the 351  
political subdivision. The state is authorized to expend funds to 352  
pay judgments that are rendered in any court against its officers 353  
or employees ~~and that result from such operation,~~ and is 354  
authorized to expend funds to compromise claims for liability 355  
against its officers or employees ~~that result from such operation.~~ 356  
No insurer shall deny coverage under such a policy, and the state 357  
shall not refuse to pay judgments or compromise claims, on the 358  
ground that an automobile, truck, motor vehicle with auxiliary 359  
equipment, self-propelling equipment or trailer, aircraft, or 360  
watercraft was not being used in the course of an officer's or 361  
employee's employment or official responsibilities for the state 362  
or a political subdivision unless the officer or employee who was 363  
operating an automobile, truck, motor vehicle with auxiliary 364  
equipment, or self-propelling equipment or trailer is convicted of 365  
a violation of section 124.71 of the Revised Code as a result of 366  
the same events. 367

(B) Funds shall be reserved as necessary, in the exercise of 368  
sound and prudent actuarial judgment, to cover potential expense, 369

fees, damage, loss, or other liability. The office of risk 370  
management may recommend or, if the state requests of the office 371  
of risk management, shall recommend a specific amount for any 372  
period of time that, in the opinion of the office of risk 373  
management, represents such a judgment. 374

(C) Nothing in this section shall be construed to require the 375  
department of administrative services to purchase liability 376  
insurance for all ~~state vehicles~~ liabilities in a single policy of 377  
insurance or to cover all ~~state vehicles~~ liabilities under a 378  
single plan of self-insurance. 379

(D) Insurance procured by the state pursuant to this section 380  
shall be procured as provided in division (G) of section 125.02 of 381  
the Revised Code. 382

(E) For purposes of liability insurance procured under this 383  
section to cover the operation of a motor vehicle by a prisoner 384  
for whom the insurance is procured, "employee" includes a prisoner 385  
in the custody of the department of rehabilitation and correction 386  
who is enrolled in a work program that is established by the 387  
department pursuant to section 5145.16 of the Revised Code and in 388  
which the prisoner is required to operate a motor vehicle, as 389  
defined in section 4509.01 of the Revised Code, and who is engaged 390  
in the operation of a motor vehicle in the course of the work 391  
program. 392

(F) All contributions collected by the director of 393  
administrative services under division (H) of this section shall 394  
be deposited into the risk management reserve fund created in 395  
section 9.823 of the Revised Code to the credit of the ~~vehicle~~ 396  
liability program. 397

(G) Reserves shall be maintained in the risk management 398  
reserve fund to the credit of the ~~vehicle~~ liability program in any 399  
amount that is necessary and adequate, in the exercise of sound 400

and prudent actuarial judgment, to cover potential liability 401  
claims, expenses, fees, or damages. Money in the fund may be 402  
applied to the payment of liability claims that are filed against 403  
the state in the court of claims and determined in the manner 404  
provided in Chapter 2743. of the Revised Code. The director of 405  
administrative services may procure the services of a qualified 406  
actuarial firm for the purpose of recommending the specific amount 407  
of money that is required to maintain adequate reserves for a 408  
specified period of time. 409

(H) The director of administrative services shall collect 410  
from each state agency or any participating state body its 411  
contribution to the ~~vehicle~~ liability program for the purpose of 412  
purchasing insurance or administering self-insurance programs for 413  
coverage authorized under this section. The amount of the 414  
contribution shall be determined by the director, with the 415  
approval of the director of budget and management. It shall be 416  
based upon actuarial assumptions and the relative risk and loss 417  
experience of each state agency or participating state body. The 418  
amount of the contribution also shall include a reasonable sum to 419  
cover administrative costs of the department of administrative 420  
services. The amounts collected pursuant to this division shall be 421  
deposited in the risk management reserve fund to the credit of the 422  
~~vehicle~~ liability program. 423

**Sec. 102.02.** (A)(1) Except as otherwise provided in division 424  
(H) of this section, all of the following shall file with the 425  
appropriate ethics commission the disclosure statement described 426  
in this division on a form prescribed by the appropriate 427  
commission: every person who is elected to or is a candidate for a 428  
state, county, or city office and every person who is appointed to 429  
fill a vacancy for an unexpired term in such an elective office; 430  
all members of the state board of education; the director, 431  
assistant directors, deputy directors, division chiefs, or persons 432

of equivalent rank of any administrative department of the state; 433  
the president or other chief administrative officer of every state 434  
institution of higher education as defined in section 3345.011 of 435  
the Revised Code; the executive director and the members of the 436  
capitol square review and advisory board appointed or employed 437  
pursuant to section 105.41 of the Revised Code; all members of the 438  
Ohio casino control commission, the executive director of the 439  
commission, all professional employees of the commission, and all 440  
technical employees of the commission who perform an internal 441  
audit function; the individuals set forth in division (B)(2) of 442  
section 187.03 of the Revised Code; the chief executive officer 443  
and the members of the board of each state retirement system; each 444  
employee of a state retirement board who is a state retirement 445  
system investment officer licensed pursuant to section 1707.163 of 446  
the Revised Code; the members of the Ohio retirement study council 447  
appointed pursuant to division (C) of section 171.01 of the 448  
Revised Code; employees of the Ohio retirement study council, 449  
other than employees who perform purely administrative or clerical 450  
functions; the administrator of workers' compensation and each 451  
member of the bureau of workers' compensation board of directors; 452  
the bureau of workers' compensation director of investments; the 453  
chief investment officer of the bureau of workers' compensation; 454  
all members of the board of commissioners on grievances and 455  
discipline of the supreme court and the ethics commission created 456  
under section 102.05 of the Revised Code; every business manager, 457  
treasurer, or superintendent of a city, local, exempted village, 458  
joint vocational, or cooperative education school district or an 459  
educational service center; every person who is elected to or is a 460  
candidate for the office of member of a board of education of a 461  
city, local, exempted village, joint vocational, or cooperative 462  
education school district or of a governing board of an 463  
educational service center that has a total student count of 464  
twelve thousand or more as most recently determined by the 465

department of education pursuant to section 3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district that is established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; ~~members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation;~~ all members appointed to the Ohio livestock care standards board under section 904.02 of the Revised Code; all entrepreneurs in residence assigned by the LeanOhio office in the department of administrative services under section 125.65 of the Revised Code and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section.

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

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

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b)(ii) of this section, received during the preceding calendar year, in the person's own name or by any other person for

the person's use or benefit, by the person filing the statement, 498  
and a brief description of the nature of the services for which 499  
the income was received. If the person filing the statement is a 500  
member of the general assembly, the statement shall identify the 501  
amount of every source of income received in accordance with the 502  
following ranges of amounts: zero or more, but less than one 503  
thousand dollars; one thousand dollars or more, but less than ten 504  
thousand dollars; ten thousand dollars or more, but less than 505  
twenty-five thousand dollars; twenty-five thousand dollars or 506  
more, but less than fifty thousand dollars; fifty thousand dollars 507  
or more, but less than one hundred thousand dollars; and one 508  
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 509  
section shall not be construed to require a person filing the 510  
statement who derives income from a business or profession to 511  
disclose the individual items of income that constitute the gross 512  
income of that business or profession, except for those individual 513  
items of income that are attributable to the person's or, if the 514  
income is shared with the person, the partner's, solicitation of 515  
services or goods or performance, arrangement, or facilitation of 516  
services or provision of goods on behalf of the business or 517  
profession of clients, including corporate clients, who are 518  
legislative agents. A person who files the statement under this 519  
section shall disclose the identity of and the amount of income 520  
received from a person who the public official or employee knows 521  
or has reason to know is doing or seeking to do business of any 522  
kind with the public official's or employee's agency. 523

(ii) If the person filing the statement is a member of the 524  
general assembly, the statement shall identify every source of 525  
income and the amount of that income that was received from a 526  
legislative agent during the preceding calendar year, in the 527  
person's own name or by any other person for the person's use or 528  
benefit, by the person filing the statement, and a brief 529  
description of the nature of the services for which the income was 530

received. Division (A)(2)(b)(ii) of this section requires the 531  
disclosure of clients of attorneys or persons licensed under 532  
section 4732.12 of the Revised Code, or patients of persons 533  
licensed under section 4731.14 of the Revised Code, if those 534  
clients or patients are legislative agents. Division (A)(2)(b)(ii) 535  
of this section requires a person filing the statement who derives 536  
income from a business or profession to disclose those individual 537  
items of income that constitute the gross income of that business 538  
or profession that are received from legislative agents. 539

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 540  
of this section, division (A)(2)(b)(i) of this section applies to 541  
attorneys, physicians, and other persons who engage in the 542  
practice of a profession and who, pursuant to a section of the 543  
Revised Code, the common law of this state, a code of ethics 544  
applicable to the profession, or otherwise, generally are required 545  
not to reveal, disclose, or use confidences of clients, patients, 546  
or other recipients of professional services except under 547  
specified circumstances or generally are required to maintain 548  
those types of confidences as privileged communications except 549  
under specified circumstances. Division (A)(2)(b)(i) of this 550  
section does not require an attorney, physician, or other 551  
professional subject to a confidentiality requirement as described 552  
in division (A)(2)(b)(iii) of this section to disclose the name, 553  
other identity, or address of a client, patient, or other 554  
recipient of professional services if the disclosure would 555  
threaten the client, patient, or other recipient of professional 556  
services, would reveal details of the subject matter for which 557  
legal, medical, or professional advice or other services were 558  
sought, or would reveal an otherwise privileged communication 559  
involving the client, patient, or other recipient of professional 560  
services. Division (A)(2)(b)(i) of this section does not require 561  
an attorney, physician, or other professional subject to a 562  
confidentiality requirement as described in division 563

(A)(2)(b)(iii) of this section to disclose in the brief 564  
description of the nature of services required by division 565  
(A)(2)(b)(i) of this section any information pertaining to 566  
specific professional services rendered for a client, patient, or 567  
other recipient of professional services that would reveal details 568  
of the subject matter for which legal, medical, or professional 569  
advice was sought or would reveal an otherwise privileged 570  
communication involving the client, patient, or other recipient of 571  
professional services. 572

(c) The name of every corporation on file with the secretary 573  
of state that is incorporated in this state or holds a certificate 574  
of compliance authorizing it to do business in this state, trust, 575  
business trust, partnership, or association that transacts 576  
business in this state in which the person filing the statement or 577  
any other person for the person's use and benefit had during the 578  
preceding calendar year an investment of over one thousand dollars 579  
at fair market value as of the thirty-first day of December of the 580  
preceding calendar year, or the date of disposition, whichever is 581  
earlier, or in which the person holds any office or has a 582  
fiduciary relationship, and a description of the nature of the 583  
investment, office, or relationship. Division (A)(2)(c) of this 584  
section does not require disclosure of the name of any bank, 585  
savings and loan association, credit union, or building and loan 586  
association with which the person filing the statement has a 587  
deposit or a withdrawable share account. 588

(d) All fee simple and leasehold interests to which the 589  
person filing the statement holds legal title to or a beneficial 590  
interest in real property located within the state, excluding the 591  
person's residence and property used primarily for personal 592  
recreation; 593

(e) The names of all persons residing or transacting business 594  
in the state to whom the person filing the statement owes, in the 595

person's own name or in the name of any other person, more than 596  
one thousand dollars. Division (A)(2)(e) of this section shall not 597  
be construed to require the disclosure of debts owed by the person 598  
resulting from the ordinary conduct of a business or profession or 599  
debts on the person's residence or real property used primarily 600  
for personal recreation, except that the superintendent of 601  
financial institutions and any deputy superintendent of banks 602  
shall disclose the names of all state-chartered banks and all bank 603  
subsidiary corporations subject to regulation under section 604  
1109.44 of the Revised Code to whom the superintendent or deputy 605  
superintendent owes any money. 606

(f) The names of all persons residing or transacting business 607  
in the state, other than a depository excluded under division 608  
(A)(2)(c) of this section, who owe more than one thousand dollars 609  
to the person filing the statement, either in the person's own 610  
name or to any person for the person's use or benefit. Division 611  
(A)(2)(f) of this section shall not be construed to require the 612  
disclosure of clients of attorneys or persons licensed under 613  
section 4732.12 of the Revised Code, or patients of persons 614  
licensed under section 4731.14 of the Revised Code, nor the 615  
disclosure of debts owed to the person resulting from the ordinary 616  
conduct of a business or profession. 617

(g) Except as otherwise provided in section 102.022 of the 618  
Revised Code, the source of each gift of over seventy-five 619  
dollars, or of each gift of over twenty-five dollars received by a 620  
member of the general assembly from a legislative agent, received 621  
by the person in the person's own name or by any other person for 622  
the person's use or benefit during the preceding calendar year, 623  
except gifts received by will or by virtue of section 2105.06 of 624  
the Revised Code, or received from spouses, parents, grandparents, 625  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 626  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 627

fathers-in-law, mothers-in-law, or any person to whom the person 628  
filing the statement stands in loco parentis, or received by way 629  
of distribution from any inter vivos or testamentary trust 630  
established by a spouse or by an ancestor; 631

(h) Except as otherwise provided in section 102.022 of the 632  
Revised Code, identification of the source and amount of every 633  
payment of expenses incurred for travel to destinations inside or 634  
outside this state that is received by the person in the person's 635  
own name or by any other person for the person's use or benefit 636  
and that is incurred in connection with the person's official 637  
duties, except for expenses for travel to meetings or conventions 638  
of a national or state organization to which any state agency, 639  
including, but not limited to, any legislative agency or state 640  
institution of higher education as defined in section 3345.011 of 641  
the Revised Code, pays membership dues, or any political 642  
subdivision or any office or agency of a political subdivision 643  
pays membership dues; 644

(i) Except as otherwise provided in section 102.022 of the 645  
Revised Code, identification of the source of payment of expenses 646  
for meals and other food and beverages, other than for meals and 647  
other food and beverages provided at a meeting at which the person 648  
participated in a panel, seminar, or speaking engagement or at a 649  
meeting or convention of a national or state organization to which 650  
any state agency, including, but not limited to, any legislative 651  
agency or state institution of higher education as defined in 652  
section 3345.011 of the Revised Code, pays membership dues, or any 653  
political subdivision or any office or agency of a political 654  
subdivision pays membership dues, that are incurred in connection 655  
with the person's official duties and that exceed one hundred 656  
dollars aggregated per calendar year; 657

(j) If the disclosure statement is filed by a public official 658  
or employee described in division (B)(2) of section 101.73 of the 659

Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code.

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

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

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

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

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

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

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

(6) The appropriate ethics commission, for good cause, may extend for a reasonable time the deadline for filing a statement under this section.

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

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

Disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and

superintendents of city, local, exempted village, joint 723  
vocational, or cooperative education school districts or 724  
educational service centers shall be kept confidential, except 725  
that any person conducting an audit of any such school district or 726  
educational service center pursuant to Chapter 117. of the Revised 727  
Code may examine the disclosure statement of any business manager, 728  
treasurer, or superintendent of that school district or 729  
educational service center. Disclosure statements filed with the 730  
Ohio ethics commission under division (A) of this section by the 731  
individuals set forth in division (B)(2) of section 187.03 of the 732  
Revised Code shall be kept confidential. The Ohio ethics 733  
commission shall examine each disclosure statement required to be 734  
kept confidential to determine whether a potential conflict of 735  
interest exists for the person who filed the disclosure statement. 736  
A potential conflict of interest exists if the private interests 737  
of the person, as indicated by the person's disclosure statement, 738  
might interfere with the public interests the person is required 739  
to serve in the exercise of the person's authority and duties in 740  
the person's office or position of employment. If the commission 741  
determines that a potential conflict of interest exists, it shall 742  
notify the person who filed the disclosure statement and shall 743  
make the portions of the disclosure statement that indicate a 744  
potential conflict of interest subject to public inspection in the 745  
same manner as is provided for other disclosure statements. Any 746  
portion of the disclosure statement that the commission determines 747  
does not indicate a potential conflict of interest shall be kept 748  
confidential by the commission and shall not be made subject to 749  
public inspection, except as is necessary for the enforcement of 750  
Chapters 102. and 2921. of the Revised Code and except as 751  
otherwise provided in this division. 752

(C) No person shall knowingly fail to file, on or before the 753  
applicable filing deadline established under this section, a 754  
statement that is required by this section. 755

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

(E)(1) Except as provided in divisions (E)(2) and (3) of this section, the statement required by division (A) or (B) of this section shall be accompanied by a filing fee of sixty dollars.

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

For state office, except member of the state board of education	\$95	
For office of member of general assembly	\$40	
For county office	\$60	
For city office	\$35	
For office of member of the state board of education	\$35	
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$30	
For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$30	

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

(4) For any public official who is appointed to a nonelective

office of the state and for any employee who holds a nonelective 788  
position in a public agency of the state, the state agency that is 789  
the primary employer of the state official or employee shall pay 790  
the fee required under division (E)(1) or (F) of this section. 791

(F) If a statement required to be filed under this section is 792  
not filed by the date on which it is required to be filed, the 793  
appropriate ethics commission shall assess the person required to 794  
file the statement a late filing fee of ten dollars for each day 795  
the statement is not filed, except that the total amount of the 796  
late filing fee shall not exceed two hundred fifty dollars. 797

(G)(1) The appropriate ethics commission other than the Ohio 798  
ethics commission and the joint legislative ethics committee shall 799  
deposit all fees it receives under divisions (E) and (F) of this 800  
section into the general revenue fund of the state. 801

(2) The Ohio ethics commission shall deposit all receipts, 802  
including, but not limited to, fees it receives under divisions 803  
(E) and (F) of this section, investigative or other fees, costs, 804  
or other funds it receives as a result of court orders, and all 805  
moneys it receives from settlements under division (G) of section 806  
102.06 of the Revised Code, into the Ohio ethics commission fund, 807  
which is hereby created in the state treasury. All moneys credited 808  
to the fund shall be used solely for expenses related to the 809  
operation and statutory functions of the commission. 810

(3) The joint legislative ethics committee shall deposit all 811  
receipts it receives from the payment of financial disclosure 812  
statement filing fees under divisions (E) and (F) of this section 813  
into the joint legislative ethics committee investigative and 814  
financial disclosure fund. 815

(H) Division (A) of this section does not apply to a person 816  
elected or appointed to the office of precinct, ward, or district 817  
committee member under Chapter 3517. of the Revised Code; a 818

presidential elector; a delegate to a national convention; village 819  
or township officials and employees; any physician or psychiatrist 820  
who is paid a salary or wage in accordance with schedule C of 821  
section 124.15 or schedule E-2 of section 124.152 of the Revised 822  
Code and whose primary duties do not require the exercise of 823  
administrative discretion; or any member of a board, commission, 824  
or bureau of any county or city who receives less than one 825  
thousand dollars per year for serving in that position. 826

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 827  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 828  
a completed form prescribed pursuant to division (C)(1) of this 829  
section, and a set of fingerprint impressions obtained in the 830  
manner described in division (C)(2) of this section, the 831  
superintendent of the bureau of criminal identification and 832  
investigation shall conduct a criminal records check in the manner 833  
described in division (B) of this section to determine whether any 834  
information exists that indicates that the person who is the 835  
subject of the request previously has been convicted of or pleaded 836  
guilty to any of the following: 837

(a) A violation of section 2903.01, 2903.02, 2903.03, 838  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 839  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 840  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 841  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 842  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 843  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 844  
2925.06, or 3716.11 of the Revised Code, felonious sexual 845  
penetration in violation of former section 2907.12 of the Revised 846  
Code, a violation of section 2905.04 of the Revised Code as it 847  
existed prior to July 1, 1996, a violation of section 2919.23 of 848  
the Revised Code that would have been a violation of section 849  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 850

had the violation been committed prior to that date, or a 851  
violation of section 2925.11 of the Revised Code that is not a 852  
minor drug possession offense; 853

(b) A violation of an existing or former law of this state, 854  
any other state, or the United States that is substantially 855  
equivalent to any of the offenses listed in division (A)(1)(a) of 856  
this section; 857

(c) If the request is made pursuant to section 3319.39 of the 858  
Revised Code for an applicant who is a teacher, any offense 859  
specified in section 3319.31 of the Revised Code. 860

(2) On receipt of a request pursuant to section 3712.09 or 861  
3721.121 of the Revised Code, a completed form prescribed pursuant 862  
to division (C)(1) of this section, and a set of fingerprint 863  
impressions obtained in the manner described in division (C)(2) of 864  
this section, the superintendent of the bureau of criminal 865  
identification and investigation shall conduct a criminal records 866  
check with respect to any person who has applied for employment in 867  
a position for which a criminal records check is required by those 868  
sections. The superintendent shall conduct the criminal records 869  
check in the manner described in division (B) of this section to 870  
determine whether any information exists that indicates that the 871  
person who is the subject of the request previously has been 872  
convicted of or pleaded guilty to any of the following: 873

(a) A violation of section 2903.01, 2903.02, 2903.03, 874  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 875  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 876  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 877  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 878  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 879  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 880  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 881  
2925.22, 2925.23, or 3716.11 of the Revised Code; 882

(b) An existing or former law of this state, any other state, 883  
or the United States that is substantially equivalent to any of 884  
the offenses listed in division (A)(2)(a) of this section. 885

(3) On receipt of a request pursuant to section 173.27, 886  
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 887  
5123.081, or 5123.169 of the Revised Code, a completed form 888  
prescribed pursuant to division (C)(1) of this section, and a set 889  
of fingerprint impressions obtained in the manner described in 890  
division (C)(2) of this section, the superintendent of the bureau 891  
of criminal identification and investigation shall conduct a 892  
criminal records check of the person for whom the request is made. 893  
The superintendent shall conduct the criminal records check in the 894  
manner described in division (B) of this section to determine 895  
whether any information exists that indicates that the person who 896  
is the subject of the request previously has been convicted of, 897  
has pleaded guilty to, or (except in the case of a request 898  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 899  
Code) has been found eligible for intervention in lieu of 900  
conviction for any of the following, regardless of the date of the 901  
conviction, the date of entry of the guilty plea, or (except in 902  
the case of a request pursuant to section 5164.34, 5164.341, or 903  
5164.342 of the Revised Code) the date the person was found 904  
eligible for intervention in lieu of conviction: 905

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 906  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 907  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 908  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 909  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 910  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 911  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 912  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 913  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 914

2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 915  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 916  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 917  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 918  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 919  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 920  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 921  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 922  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 923  
2927.12, or 3716.11 of the Revised Code; 924

(b) Felonious sexual penetration in violation of former 925  
section 2907.12 of the Revised Code; 926

(c) A violation of section 2905.04 of the Revised Code as it 927  
existed prior to July 1, 1996; 928

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 929  
the Revised Code when the underlying offense that is the object of 930  
the conspiracy, attempt, or complicity is one of the offenses 931  
listed in divisions (A)(3)(a) to (c) of this section; 932

(e) A violation of an existing or former municipal ordinance 933  
or law of this state, any other state, or the United States that 934  
is substantially equivalent to any of the offenses listed in 935  
divisions (A)(3)(a) to (d) of this section. 936

(4) On receipt of a request pursuant to section 2151.86 or 937  
2151.904 of the Revised Code, a completed form prescribed pursuant 938  
to division (C)(1) of this section, and a set of fingerprint 939  
impressions obtained in the manner described in division (C)(2) of 940  
this section, the superintendent of the bureau of criminal 941  
identification and investigation shall conduct a criminal records 942  
check in the manner described in division (B) of this section to 943  
determine whether any information exists that indicates that the 944  
person who is the subject of the request previously has been 945

convicted of or pleaded guilty to any of the following: 946

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 947  
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 948  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 949  
2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 950  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 951  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 952  
2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 953  
2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 954  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2923.17, 955  
2923.21, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 956  
2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 957  
2925.36, 2925.37, 2927.12, or 3716.11 of the Revised Code, a 958  
violation of section 2905.04 of the Revised Code as it existed 959  
prior to July 1, 1996, a violation of section 2919.23 of the 960  
Revised Code that would have been a violation of section 2905.04 961  
of the Revised Code as it existed prior to July 1, 1996, had the 962  
violation been committed prior to that date, a violation of 963  
section 2925.11 of the Revised Code that is not a minor drug 964  
possession offense, two or more OVI or OVUAC violations committed 965  
within the three years immediately preceding the submission of the 966  
application or petition that is the basis of the request, or 967  
felonious sexual penetration in violation of former section 968  
2907.12 of the Revised Code; 969

(b) A violation of an existing or former law of this state, 970  
any other state, or the United States that is substantially 971  
equivalent to any of the offenses listed in division (A)(4)(a) of 972  
this section. 973

(5) Upon receipt of a request pursuant to section 5104.013 of 974  
the Revised Code, a completed form prescribed pursuant to division 975  
(C)(1) of this section, and a set of fingerprint impressions 976  
obtained in the manner described in division (C)(2) of this 977

section, the superintendent of the bureau of criminal 978  
identification and investigation shall conduct a criminal records 979  
check in the manner described in division (B) of this section to 980  
determine whether any information exists that indicates that the 981  
person who is the subject of the request has been convicted of or 982  
pleaded guilty to any of the following: 983

(a) A violation of section 2151.421, 2903.01, 2903.02, 984  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 985  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 986  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 987  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 988  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 989  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 990  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 991  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 992  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 993  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 994  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 995  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 996  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 997  
Revised Code, felonious sexual penetration in violation of former 998  
section 2907.12 of the Revised Code, a violation of section 999  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1000  
violation of section 2919.23 of the Revised Code that would have 1001  
been a violation of section 2905.04 of the Revised Code as it 1002  
existed prior to July 1, 1996, had the violation been committed 1003  
prior to that date, a violation of section 2925.11 of the Revised 1004  
Code that is not a minor drug possession offense, a violation of 1005  
section 2923.02 or 2923.03 of the Revised Code that relates to a 1006  
crime specified in this division, or a second violation of section 1007  
4511.19 of the Revised Code within five years of the date of 1008  
application for licensure or certification. 1009

(b) A violation of an existing or former law of this state, 1010  
any other state, or the United States that is substantially 1011  
equivalent to any of the offenses or violations described in 1012  
division (A)(5)(a) of this section. 1013

(6) Upon receipt of a request pursuant to section 5153.111 of 1014  
the Revised Code, a completed form prescribed pursuant to division 1015  
(C)(1) of this section, and a set of fingerprint impressions 1016  
obtained in the manner described in division (C)(2) of this 1017  
section, the superintendent of the bureau of criminal 1018  
identification and investigation shall conduct a criminal records 1019  
check in the manner described in division (B) of this section to 1020  
determine whether any information exists that indicates that the 1021  
person who is the subject of the request previously has been 1022  
convicted of or pleaded guilty to any of the following: 1023

(a) A violation of section 2903.01, 2903.02, 2903.03, 1024  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1025  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1026  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1027  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1028  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1029  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1030  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1031  
felonious sexual penetration in violation of former section 1032  
2907.12 of the Revised Code, a violation of section 2905.04 of the 1033  
Revised Code as it existed prior to July 1, 1996, a violation of 1034  
section 2919.23 of the Revised Code that would have been a 1035  
violation of section 2905.04 of the Revised Code as it existed 1036  
prior to July 1, 1996, had the violation been committed prior to 1037  
that date, or a violation of section 2925.11 of the Revised Code 1038  
that is not a minor drug possession offense; 1039

(b) A violation of an existing or former law of this state, 1040  
any other state, or the United States that is substantially 1041

equivalent to any of the offenses listed in division (A)(6)(a) of 1042  
this section. 1043

(7) On receipt of a request for a criminal records check from 1044  
an individual pursuant to section 4749.03 or 4749.06 of the 1045  
Revised Code, accompanied by a completed copy of the form 1046  
prescribed in division (C)(1) of this section and a set of 1047  
fingerprint impressions obtained in a manner described in division 1048  
(C)(2) of this section, the superintendent of the bureau of 1049  
criminal identification and investigation shall conduct a criminal 1050  
records check in the manner described in division (B) of this 1051  
section to determine whether any information exists indicating 1052  
that the person who is the subject of the request has been 1053  
convicted of or pleaded guilty to a felony in this state or in any 1054  
other state. If the individual indicates that a firearm will be 1055  
carried in the course of business, the superintendent shall 1056  
require information from the federal bureau of investigation as 1057  
described in division (B)(2) of this section. Subject to division 1058  
(F) of this section, the superintendent shall report the findings 1059  
of the criminal records check and any information the federal 1060  
bureau of investigation provides to the director of public safety. 1061

(8) On receipt of a request pursuant to section 1321.37, 1062  
1321.53, or 4763.05 of the Revised Code, a completed form 1063  
prescribed pursuant to division (C)(1) of this section, and a set 1064  
of fingerprint impressions obtained in the manner described in 1065  
division (C)(2) of this section, the superintendent of the bureau 1066  
of criminal identification and investigation shall conduct a 1067  
criminal records check with respect to any person who has applied 1068  
for a license, permit, or certification from the department of 1069  
commerce or a division in the department. The superintendent shall 1070  
conduct the criminal records check in the manner described in 1071  
division (B) of this section to determine whether any information 1072  
exists that indicates that the person who is the subject of the 1073

request previously has been convicted of or pleaded guilty to any 1074  
of the following: a violation of section 2913.02, 2913.11, 1075  
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 1076  
criminal offense involving theft, receiving stolen property, 1077  
embezzlement, forgery, fraud, passing bad checks, money 1078  
laundering, or drug trafficking, or any criminal offense involving 1079  
money or securities, as set forth in Chapters 2909., 2911., 2913., 1080  
2915., 2921., 2923., and 2925. of the Revised Code; or any 1081  
existing or former law of this state, any other state, or the 1082  
United States that is substantially equivalent to those offenses. 1083

(9) On receipt of a request for a criminal records check from 1084  
the treasurer of state under section 113.041 of the Revised Code 1085  
or from an individual under section 928.03, 4701.08, 4715.101, 1086  
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 1087  
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 1088  
4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1089  
4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 1090  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 1091  
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 1092  
or 4783.04 of the Revised Code, accompanied by a completed form 1093  
prescribed under division (C)(1) of this section and a set of 1094  
fingerprint impressions obtained in the manner described in 1095  
division (C)(2) of this section, the superintendent of the bureau 1096  
of criminal identification and investigation shall conduct a 1097  
criminal records check in the manner described in division (B) of 1098  
this section to determine whether any information exists that 1099  
indicates that the person who is the subject of the request has 1100  
been convicted of or pleaded guilty to any criminal offense in 1101  
this state or any other state. Subject to division (F) of this 1102  
section, the superintendent shall send the results of a check 1103  
requested under section 113.041 of the Revised Code to the 1104  
treasurer of state and shall send the results of a check requested 1105  
under any of the other listed sections to the licensing board 1106

specified by the individual in the request. 1107

(10) On receipt of a request pursuant to section 124.74, 1108  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 1109  
Code, a completed form prescribed pursuant to division (C)(1) of 1110  
this section, and a set of fingerprint impressions obtained in the 1111  
manner described in division (C)(2) of this section, the 1112  
superintendent of the bureau of criminal identification and 1113  
investigation shall conduct a criminal records check in the manner 1114  
described in division (B) of this section to determine whether any 1115  
information exists that indicates that the person who is the 1116  
subject of the request previously has been convicted of or pleaded 1117  
guilty to any criminal offense under any existing or former law of 1118  
this state, any other state, or the United States. 1119

(11) On receipt of a request for a criminal records check 1120  
from an appointing or licensing authority under section 3772.07 of 1121  
the Revised Code, a completed form prescribed under division 1122  
(C)(1) of this section, and a set of fingerprint impressions 1123  
obtained in the manner prescribed in division (C)(2) of this 1124  
section, the superintendent of the bureau of criminal 1125  
identification and investigation shall conduct a criminal records 1126  
check in the manner described in division (B) of this section to 1127  
determine whether any information exists that indicates that the 1128  
person who is the subject of the request previously has been 1129  
convicted of or pleaded guilty or no contest to any offense under 1130  
any existing or former law of this state, any other state, or the 1131  
United States that is a disqualifying offense as defined in 1132  
section 3772.07 of the Revised Code or substantially equivalent to 1133  
such an offense. 1134

(12) On receipt of a request pursuant to section 2151.33 or 1135  
2151.412 of the Revised Code, a completed form prescribed pursuant 1136  
to division (C)(1) of this section, and a set of fingerprint 1137  
impressions obtained in the manner described in division (C)(2) of 1138

this section, the superintendent of the bureau of criminal 1139  
identification and investigation shall conduct a criminal records 1140  
check with respect to any person for whom a criminal records check 1141  
is required under that section. The superintendent shall conduct 1142  
the criminal records check in the manner described in division (B) 1143  
of this section to determine whether any information exists that 1144  
indicates that the person who is the subject of the request 1145  
previously has been convicted of or pleaded guilty to any of the 1146  
following: 1147

(a) A violation of section 2903.01, 2903.02, 2903.03, 1148  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1149  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1150  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1151  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1152  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1153  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1154  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1155  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1156

(b) An existing or former law of this state, any other state, 1157  
or the United States that is substantially equivalent to any of 1158  
the offenses listed in division (A)(12)(a) of this section. 1159

(13) On receipt of a request pursuant to section 3796.12 of 1160  
the Revised Code, a completed form prescribed pursuant to division 1161  
(C)(1) of this section, and a set of fingerprint impressions 1162  
obtained in a manner described in division (C)(2) of this section, 1163  
the superintendent of the bureau of criminal identification and 1164  
investigation shall conduct a criminal records check in the manner 1165  
described in division (B) of this section to determine whether any 1166  
information exists that indicates that the person who is the 1167  
subject of the request previously has been convicted of or pleaded 1168  
guilty to the following: 1169

(a) A disqualifying offense as specified in rules adopted 1170

under division (B)(2)(b) of section 3796.03 of the Revised Code if 1171  
the person who is the subject of the request is an administrator 1172  
or other person responsible for the daily operation of, or an 1173  
owner or prospective owner, officer or prospective officer, or 1174  
board member or prospective board member of, an entity seeking a 1175  
license from the department of commerce under Chapter 3796. of the 1176  
Revised Code; 1177

(b) A disqualifying offense as specified in rules adopted 1178  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 1179  
the person who is the subject of the request is an administrator 1180  
or other person responsible for the daily operation of, or an 1181  
owner or prospective owner, officer or prospective officer, or 1182  
board member or prospective board member of, an entity seeking a 1183  
license from the state board of pharmacy under Chapter 3796. of 1184  
the Revised Code. 1185

(14) On receipt of a request required by section 3796.13 of 1186  
the Revised Code, a completed form prescribed pursuant to division 1187  
(C)(1) of this section, and a set of fingerprint impressions 1188  
obtained in a manner described in division (C)(2) of this section, 1189  
the superintendent of the bureau of criminal identification and 1190  
investigation shall conduct a criminal records check in the manner 1191  
described in division (B) of this section to determine whether any 1192  
information exists that indicates that the person who is the 1193  
subject of the request previously has been convicted of or pleaded 1194  
guilty to the following: 1195

(a) A disqualifying offense as specified in rules adopted 1196  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 1197  
the person who is the subject of the request is seeking employment 1198  
with an entity licensed by the department of commerce under 1199  
Chapter 3796. of the Revised Code; 1200

(b) A disqualifying offense as specified in rules adopted 1201  
under division (B)(14)(a) of section 3796.04 of the Revised Code 1202

if the person who is the subject of the request is seeking 1203  
employment with an entity licensed by the state board of pharmacy 1204  
under Chapter 3796. of the Revised Code. 1205

(15) On receipt of a request pursuant to section 4768.06 of 1206  
the Revised Code, a completed form prescribed under division 1207  
(C)(1) of this section, and a set of fingerprint impressions 1208  
obtained in the manner described in division (C)(2) of this 1209  
section, the superintendent of the bureau of criminal 1210  
identification and investigation shall conduct a criminal records 1211  
check in the manner described in division (B) of this section to 1212  
determine whether any information exists indicating that the 1213  
person who is the subject of the request has been convicted of or 1214  
pleaded guilty to a felony in this state or in any other state. 1215

(16) On receipt of a request pursuant to division (B) of 1216  
section 4764.07 or division (A) of section 4735.143 of the Revised 1217  
Code, a completed form prescribed under division (C)(1) of this 1218  
section, and a set of fingerprint impressions obtained in the 1219  
manner described in division (C)(2) of this section, the 1220  
superintendent of the bureau of criminal identification and 1221  
investigation shall conduct a criminal records check in the manner 1222  
described in division (B) of this section to determine whether any 1223  
information exists indicating that the person who is the subject 1224  
of the request has been convicted of or pleaded guilty to any 1225  
crime of moral turpitude, a felony, or an equivalent offense in 1226  
any other state or the United States. 1227

(17) On receipt of a request for a criminal records check 1228  
under section 147.022 of the Revised Code, a completed form 1229  
prescribed under division (C)(1) of this section, and a set of 1230  
fingerprint impressions obtained in the manner prescribed in 1231  
division (C)(2) of this section, the superintendent of the bureau 1232  
of criminal identification and investigation shall conduct a 1233  
criminal records check in the manner described in division (B) of 1234

this section to determine whether any information exists that 1235  
indicates that the person who is the subject of the request 1236  
previously has been convicted of or pleaded guilty or no contest 1237  
to any disqualifying offense, as defined in section 147.011 of the 1238  
Revised Code, or to any offense under any existing or former law 1239  
of this state, any other state, or the United States that is 1240  
substantially equivalent to such a disqualifying offense. 1241

(B) Subject to division (F) of this section, the 1242  
superintendent shall conduct any criminal records check to be 1243  
conducted under this section as follows: 1244

(1) The superintendent shall review or cause to be reviewed 1245  
any relevant information gathered and compiled by the bureau under 1246  
division (A) of section 109.57 of the Revised Code that relates to 1247  
the person who is the subject of the criminal records check, 1248  
including, if the criminal records check was requested under 1249  
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 1250  
928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 1251  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1252  
3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 1253  
4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 1254  
5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised 1255  
Code, any relevant information contained in records that have been 1256  
sealed under section 2953.32 of the Revised Code; 1257

(2) If the request received by the superintendent asks for 1258  
information from the federal bureau of investigation, the 1259  
superintendent shall request from the federal bureau of 1260  
investigation any information it has with respect to the person 1261  
who is the subject of the criminal records check, including 1262  
fingerprint-based checks of national crime information databases 1263  
as described in 42 U.S.C. 671 if the request is made pursuant to 1264  
section 2151.86 or 5104.013 of the Revised Code or if any other 1265  
Revised Code section requires fingerprint-based checks of that 1266

nature, and shall review or cause to be reviewed any information 1267  
the superintendent receives from that bureau. If a request under 1268  
section 3319.39 of the Revised Code asks only for information from 1269  
the federal bureau of investigation, the superintendent shall not 1270  
conduct the review prescribed by division (B)(1) of this section. 1271

(3) The superintendent or the superintendent's designee may 1272  
request criminal history records from other states or the federal 1273  
government pursuant to the national crime prevention and privacy 1274  
compact set forth in section 109.571 of the Revised Code. 1275

(4) The superintendent shall include in the results of the 1276  
criminal records check a list or description of the offenses 1277  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 1278  
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 1279  
of this section, whichever division requires the superintendent to 1280  
conduct the criminal records check. The superintendent shall 1281  
exclude from the results any information the dissemination of 1282  
which is prohibited by federal law. 1283

(5) The superintendent shall send the results of the criminal 1284  
records check to the person to whom it is to be sent not later 1285  
than the following number of days after the date the 1286  
superintendent receives the request for the criminal records 1287  
check, the completed form prescribed under division (C)(1) of this 1288  
section, and the set of fingerprint impressions obtained in the 1289  
manner described in division (C)(2) of this section: 1290

(a) If the superintendent is required by division (A) of this 1291  
section (other than division (A)(3) of this section) to conduct 1292  
the criminal records check, thirty; 1293

(b) If the superintendent is required by division (A)(3) of 1294  
this section to conduct the criminal records check, sixty. 1295

(C)(1) The superintendent shall prescribe a form to obtain 1296  
the information necessary to conduct a criminal records check from 1297

any person for whom a criminal records check is to be conducted 1298  
under this section. The form that the superintendent prescribes 1299  
pursuant to this division may be in a tangible format, in an 1300  
electronic format, or in both tangible and electronic formats. 1301

(2) The superintendent shall prescribe standard impression 1302  
sheets to obtain the fingerprint impressions of any person for 1303  
whom a criminal records check is to be conducted under this 1304  
section. Any person for whom a records check is to be conducted 1305  
under this section shall obtain the fingerprint impressions at a 1306  
county sheriff's office, municipal police department, or any other 1307  
entity with the ability to make fingerprint impressions on the 1308  
standard impression sheets prescribed by the superintendent. The 1309  
office, department, or entity may charge the person a reasonable 1310  
fee for making the impressions. The standard impression sheets the 1311  
superintendent prescribes pursuant to this division may be in a 1312  
tangible format, in an electronic format, or in both tangible and 1313  
electronic formats. 1314

(3) Subject to division (D) of this section, the 1315  
superintendent shall prescribe and charge a reasonable fee for 1316  
providing a criminal records check under this section. The person 1317  
requesting the criminal records check shall pay the fee prescribed 1318  
pursuant to this division. In the case of a request under section 1319  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 1320  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 1321  
the manner specified in that section. 1322

(4) The superintendent of the bureau of criminal 1323  
identification and investigation may prescribe methods of 1324  
forwarding fingerprint impressions and information necessary to 1325  
conduct a criminal records check, which methods shall include, but 1326  
not be limited to, an electronic method. 1327

(D) The results of a criminal records check conducted under 1328  
this section, other than a criminal records check specified in 1329

division (A)(7) of this section, are valid for the person who is 1330  
the subject of the criminal records check for a period of one year 1331  
from the date upon which the superintendent completes the criminal 1332  
records check. If during that period the superintendent receives 1333  
another request for a criminal records check to be conducted under 1334  
this section for that person, the superintendent shall provide the 1335  
results from the previous criminal records check of the person at 1336  
a lower fee than the fee prescribed for the initial criminal 1337  
records check. 1338

(E) When the superintendent receives a request for 1339  
information from a registered private provider, the superintendent 1340  
shall proceed as if the request was received from a school 1341  
district board of education under section 3319.39 of the Revised 1342  
Code. The superintendent shall apply division (A)(1)(c) of this 1343  
section to any such request for an applicant who is a teacher. 1344

(F)(1) Subject to division (F)(2) of this section, all 1345  
information regarding the results of a criminal records check 1346  
conducted under this section that the superintendent reports or 1347  
sends under division (A)(7) or (9) of this section to the director 1348  
of public safety, the treasurer of state, or the person, board, or 1349  
entity that made the request for the criminal records check shall 1350  
relate to the conviction of the subject person, or the subject 1351  
person's plea of guilty to, a criminal offense. 1352

(2) Division (F)(1) of this section does not limit, restrict, 1353  
or preclude the superintendent's release of information that 1354  
relates to the arrest of a person who is eighteen years of age or 1355  
older, to an adjudication of a child as a delinquent child, or to 1356  
a criminal conviction of a person under eighteen years of age in 1357  
circumstances in which a release of that nature is authorized 1358  
under division (E)(2), (3), or (4) of section 109.57 of the 1359  
Revised Code pursuant to a rule adopted under division (E)(1) of 1360  
that section. 1361

(G) As used in this section:	1362
(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	1363 1364 1365 1366
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	1367 1368
(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	1369 1370 1371 1372 1373
(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	1374 1375 1376 1377 1378 1379
<b>Sec. 109.79.</b> (A) The Ohio peace officer training commission shall establish and conduct a training school for law enforcement officers of any political subdivision of the state or of the state public defender's office. The school shall be known as the Ohio peace officer training academy. No bailiff or deputy bailiff of a court of record of this state and no criminal investigator employed by the state public defender shall be permitted to attend the academy for training unless the employing court of the bailiff or deputy bailiff or the state public defender, whichever is applicable, has authorized the bailiff, deputy bailiff, or investigator to attend the academy.	1380 1381 1382 1383 1384 1385 1386 1387 1388 1389 1390
The Ohio peace officer training commission shall develop the	1391

training program, which shall include courses in both the civil 1392  
and criminal functions of law enforcement officers, a course in 1393  
crisis intervention with six or more hours of training, training 1394  
in the handling of missing children and child abuse and neglect 1395  
cases, and training on companion animal encounters and companion 1396  
animal behavior, and shall establish rules governing 1397  
qualifications for admission to the academy. The commission may 1398  
require competitive examinations to determine fitness of 1399  
prospective trainees, so long as the examinations or other 1400  
criteria for admission to the academy are consistent with the 1401  
provisions of Chapter 124. of the Revised Code. 1402

The Ohio peace officer training commission shall determine 1403  
tuition costs sufficient in the aggregate to pay the costs of 1404  
operating the academy. Tuition paid by a political subdivision of 1405  
the state or by the state public defender's office shall be 1406  
deposited into the state treasury to the credit of the peace 1407  
officer training academy fee fund, which is hereby established. 1408  
The attorney general shall use money in the fund to pay costs 1409  
associated with operation of the academy. The costs of acquiring 1410  
and equipping the academy shall be paid from appropriations made 1411  
by the general assembly to the Ohio peace officer training 1412  
commission for that purpose, from gifts or grants received for 1413  
that purpose, or from fees for goods related to the academy. 1414

The Ohio peace officer training commission shall create a 1415  
gaming-related curriculum for gaming agents. The Ohio peace 1416  
officer training commission shall use money distributed to the 1417  
Ohio peace officer training academy from the Ohio law enforcement 1418  
training fund to first support the academy's training programs for 1419  
gaming agents and gaming-related curriculum. The Ohio peace 1420  
officer training commission may utilize existing training programs 1421  
in other states that specialize in training gaming agents. 1422

The law enforcement officers, during the period of their 1423

training, shall receive compensation as determined by the 1424  
political subdivision that sponsors them or, if the officer is a 1425  
criminal investigator employed by the state public defender, as 1426  
determined by the state public defender. The political subdivision 1427  
may pay the tuition costs of the law enforcement officers they 1428  
sponsor and the state public defender may pay the tuition costs of 1429  
criminal investigators of that office who attend the academy. 1430

If trainee vacancies exist, the academy may train and issue 1431  
certificates of satisfactory completion to peace officers who are 1432  
employed by a campus police department pursuant to section 1713.50 1433  
of the Revised Code, by a qualified nonprofit corporation police 1434  
department pursuant to section 1702.80 of the Revised Code, or by 1435  
a railroad company, who are amusement park police officers 1436  
appointed and commissioned by a judge of the appropriate municipal 1437  
court or county court pursuant to section 4973.17 of the Revised 1438  
Code, or who are bank, savings and loan association, savings bank, 1439  
credit union, or association of banks, savings and loan 1440  
associations, savings banks, or credit unions, or hospital police 1441  
officers appointed and commissioned by the secretary of state 1442  
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 1443  
provided that no such officer shall be trained at the academy 1444  
unless the officer meets the qualifications established for 1445  
admission to the academy and the qualified nonprofit corporation 1446  
police department; bank, savings and loan association, savings 1447  
bank, credit union, or association of banks, savings and loan 1448  
associations, savings banks, or credit unions; railroad company; 1449  
hospital; or amusement park or the private college or university 1450  
that established the campus police department prepays the entire 1451  
cost of the training. A qualified nonprofit corporation police 1452  
department; bank, savings and loan association, savings bank, 1453  
credit union, or association of banks, savings and loan 1454  
associations, savings banks, or credit unions; railroad company; 1455  
hospital; or amusement park or a private college or university 1456

that has established a campus police department is not entitled to 1457  
reimbursement from the state for any amount paid for the cost of 1458  
training the bank, savings and loan association, savings bank, 1459  
credit union, or association of banks, savings and loan 1460  
associations, savings banks, or credit unions peace officers; the 1461  
railroad company's peace officers; or the peace officers of the 1462  
qualified nonprofit corporation police department, campus police 1463  
department, hospital, or amusement park. 1464

The academy shall permit investigators employed by the state 1465  
medical board to take selected courses that the board determines 1466  
are consistent with its responsibilities for initial and 1467  
continuing training of investigators as required under sections 1468  
4730.26 and 4731.05 of the Revised Code. The board shall pay the 1469  
entire cost of training that investigators receive at the academy. 1470

The academy shall permit tactical medical professionals to 1471  
attend training courses at the academy that are designed to 1472  
qualify the professionals to carry firearms while on duty under 1473  
section 109.771 of the Revised Code and that provide training 1474  
comparable to training mandated under the rules required by 1475  
division (A) of section 109.748 of the Revised Code. The executive 1476  
director of the Ohio peace officer training commission may certify 1477  
tactical medical professionals who satisfactorily complete the 1478  
training courses. The law enforcement agency served by a tactical 1479  
medical professional who attends the academy may pay the tuition 1480  
costs of the professional. 1481

(B) As used in this section: 1482

(1) "Law enforcement officers" include any undercover drug 1483  
agent, any bailiff or deputy bailiff of a court of record, and any 1484  
criminal investigator who is employed by the state public 1485  
defender. 1486

(2) "Undercover drug agent" means any person who: 1487

(a) Is employed by a county, township, or municipal corporation for the purposes set forth in division (B)(2)(b) of this section but who is not an employee of a county sheriff's department, of a township constable, or of the police department of a municipal corporation or township;	1488 1489 1490 1491 1492
(b) In the course of the person's employment by a county, township, or municipal corporation, investigates and gathers information pertaining to persons who are suspected of violating Chapter 2925. or 3719. of the Revised Code, and generally does not wear a uniform in the performance of the person's duties.	1493 1494 1495 1496 1497
(3) "Crisis intervention training" has the same meaning as in section 109.71 of the Revised Code.	1498 1499
(4) "Missing children" has the same meaning as in section 2901.30 of the Revised Code.	1500 1501
(5) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	1502 1503
<b>Sec. 111.16.</b> Except as provided in section 1701.041 of the Revised Code, the secretary of state shall charge and collect, for the benefit of the state, the following fees:	1504 1505 1506
(A) For filing and recording articles of incorporation of a domestic corporation, including designation of agent:	1507 1508
(1) Wherein the corporation shall not be authorized to issue any shares of capital stock, ninety-nine dollars;	1509 1510
(2) Wherein the corporation shall be authorized to issue shares of capital stock, with or without par value:	1511 1512
(a) Ten cents for each share authorized up to and including one thousand shares;	1513 1514
(b) Five cents for each share authorized in excess of one thousand shares up to and including ten thousand shares;	1515 1516

(c) Two cents for each share authorized in excess of ten thousand shares up to and including fifty thousand shares;	1517 1518
(d) One cent for each share authorized in excess of fifty thousand shares up to and including one hundred thousand shares;	1519 1520
(e) One-half cent for each share authorized in excess of one hundred thousand shares up to and including five hundred thousand shares;	1521 1522 1523
(f) One-quarter cent for each share authorized in excess of five hundred thousand shares; provided no fee shall be less than ninety-nine dollars or greater than one hundred thousand dollars.	1524 1525 1526
(B) For filing and recording a certificate of amendment to or amended articles of incorporation of a domestic corporation, or for filing and recording a certificate of reorganization, a certificate of dissolution, or an amendment to a foreign license application:	1527 1528 1529 1530 1531
(1) If the domestic corporation is not authorized to issue any shares of capital stock, fifty dollars;	1532 1533
(2) If the domestic corporation is authorized to issue shares of capital stock, fifty dollars, and in case of any increase in the number of shares authorized to be issued, a further sum computed in accordance with the schedule set forth in division (A)(2) of this section less a credit computed in the same manner for the number of shares previously authorized to be issued by the corporation; provided no fee under division (B)(2) of this section shall be greater than one hundred thousand dollars;	1534 1535 1536 1537 1538 1539 1540 1541
(3) If the foreign corporation is not authorized to issue any shares of capital stock, fifty dollars;	1542 1543
(4) If the foreign corporation is authorized to issue shares of capital stock, fifty dollars.	1544 1545
(C) For filing and recording articles of incorporation of a	1546

savings and loan association, ninety-nine dollars; and for filing 1547  
and recording a certificate of amendment to or amended articles of 1548  
incorporation of a savings and loan association, fifty dollars; 1549

(D) For filing and recording a certificate of conversion, 1550  
including a designation of agent, a certificate of merger, or a 1551  
certificate of consolidation, ninety-nine dollars and, in the case 1552  
of any new corporation resulting from a consolidation or any 1553  
surviving corporation that has an increased number of shares 1554  
authorized to be issued resulting from a merger, an additional sum 1555  
computed in accordance with the schedule set forth in division 1556  
(A)(2) of this section less a credit computed in the same manner 1557  
for the number of shares previously authorized to be issued or 1558  
represented in this state by each of the corporations for which a 1559  
consolidation or merger is effected by the certificate; 1560

(E) For filing and recording articles of incorporation of a 1561  
credit union or the American credit union guaranty association, 1562  
ninety-nine dollars, and for filing and recording a certificate of 1563  
increase in capital stock or any other amendment of the articles 1564  
of incorporation of a credit union or the association, fifty 1565  
dollars; 1566

(F) For filing and recording articles of organization of a 1567  
limited liability company, for filing and recording an application 1568  
to become a registered foreign limited liability company, for 1569  
filing and recording a registration application to become a 1570  
domestic limited liability partnership, or for filing and 1571  
recording an application to become a registered foreign limited 1572  
liability partnership, ninety-nine dollars; 1573

(G) For filing and recording a certificate of limited 1574  
partnership or an application for registration as a foreign 1575  
limited partnership, or for filing an initial statement of 1576  
partnership authority pursuant to section 1776.33 of the Revised 1577  
Code, ninety-nine dollars; 1578

(H) For filing a copy of papers evidencing the incorporation of a municipal corporation or of annexation of territory by a municipal corporation, five dollars, to be paid by the municipal corporation, the petitioners therefor, or their agent;	1579 1580 1581 1582
(I) For filing and recording any of the following:	1583
(1) A license to transact business in this state by a foreign corporation for profit pursuant to section 1703.04 of the Revised Code or a foreign nonprofit corporation pursuant to section 1703.27 of the Revised Code, ninety-nine dollars;	1584 1585 1586 1587
(2) A biennial report or biennial statement pursuant to section 1775.63, 1776.83, or 1785.06 of the Revised Code, twenty-five dollars;	1588 1589 1590
(3) Except as otherwise provided in this section or any other section of the Revised Code, any other certificate or paper that is required to be filed and recorded or is permitted to be filed and recorded by any provision of the Revised Code with the secretary of state, twenty-five dollars.	1591 1592 1593 1594 1595
(J) For filing any certificate or paper not required to be recorded, five dollars;	1596 1597
(K)(1) For making copies of any certificate or other paper filed in the office of the secretary of state, a fee not to exceed one dollar per page, except as otherwise provided in the Revised Code, and for creating and affixing the seal of the office of the secretary of state to any good standing or other certificate, five dollars. For copies of certificates or papers required by state officers for official purpose, no charge shall be made.	1598 1599 1600 1601 1602 1603 1604
(2) For creating and affixing the seal of the office of the secretary of state to the certificates described in division (E) of section 1701.81, division (E) of section 1701.811, division (E) of section 1705.38, division (E) of section 1705.381, division (D) of section 1702.43, division (E) of section 1775.47, division (E)	1605 1606 1607 1608 1609

of section 1775.55, division (E) of section 1776.70, division (E) 1610  
of section 1776.74, division (E) of section 1782.433, or division 1611  
(E) of section 1782.4310 of the Revised Code, twenty-five dollars. 1612

(L) For a minister's license to solemnize marriages, ten 1613  
dollars; 1614

(M) For examining documents to be filed at a later date for 1615  
the purpose of advising as to the acceptability of the proposed 1616  
filing, fifty dollars; 1617

(N) Fifty dollars for filing and recording any of the 1618  
following: 1619

(1) A certificate of dissolution and accompanying documents, 1620  
or a certificate of cancellation, under section 1701.86, 1702.47, 1621  
1705.43, 1776.65, or 1782.10 of the Revised Code; 1622

(2) A notice of dissolution of a foreign licensed corporation 1623  
or a certificate of surrender of license by a foreign licensed 1624  
corporation under section 1703.17 of the Revised Code; 1625

(3) The withdrawal of registration of a foreign or domestic 1626  
limited liability partnership under section 1775.61, 1775.64, 1627  
1776.81, or 1776.86 of the Revised Code, or the certificate of 1628  
cancellation of registration of a foreign limited liability 1629  
company under section 1705.57 of the Revised Code; 1630

(4) The filing of a statement of denial under section 1776.34 1631  
of the Revised Code, a statement of dissociation under section 1632  
1776.57 of the Revised Code, a statement of disclaimer of general 1633  
partner status under Chapter 1782. of the Revised Code, or a 1634  
cancellation of disclaimer of general partner status under Chapter 1635  
1782. of the Revised Code. 1636

(O) For filing a statement of continued existence by a 1637  
nonprofit corporation, twenty-five dollars; 1638

(P) For filing a restatement under section 1705.08 or 1782.09 1639

of the Revised Code, an amendment to a certificate of cancellation 1640  
under section 1782.10 of the Revised Code, an amendment under 1641  
section 1705.08 or 1782.09 of the Revised Code, or a correction 1642  
under section 1705.55, 1775.61, 1775.64, 1776.12, or 1782.52 of 1643  
the Revised Code, fifty dollars; 1644

(Q) For filing for reinstatement of an entity cancelled by 1645  
operation of law, by the secretary of state, by order of the 1646  
department of taxation, or by order of a court, twenty-five 1647  
dollars; 1648

(R) For filing and recording any of the following: 1649

(1) A change of agent, resignation of agent, or change of 1650  
agent's address under section 1701.07, 1702.06, 1703.041, 1703.27, 1651  
1705.06, 1705.55, 1746.04, 1747.03, 1776.07, or 1782.04 of the 1652  
Revised Code, twenty-five dollars; 1653

(2) A multiple change of agent name or address, 1654  
standardization of agent address, or resignation of agent under 1655  
section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 1656  
1746.04, 1747.03, 1776.07, or 1782.04 of the Revised Code, one 1657  
hundred twenty-five dollars, plus three dollars per entity record 1658  
being changed, by the multiple agent update. 1659

(S) For filing and recording any of the following: 1660

(1) An application for the exclusive right to use a name or 1661  
an application to reserve a name for future use under section 1662  
1701.05, 1702.05, 1703.31, 1705.05, or 1746.06 of the Revised 1663  
Code, thirty-nine dollars; 1664

(2) A trade name or fictitious name registration or report, 1665  
thirty-nine dollars; 1666

(3) An application to renew any item covered by division 1667  
(S)(1) or (2) of this section that is permitted to be renewed, 1668  
twenty-five dollars; 1669

(4) An assignment of rights for use of a name covered by 1670  
division (S)(1), (2), or (3) of this section, the cancellation of 1671  
a name registration or name reservation that is so covered, or 1672  
notice of a change of address of the registrant of a name that is 1673  
so covered, twenty-five dollars. 1674

(T) For filing and recording a report to operate a business 1675  
trust or a real estate investment trust, either foreign or 1676  
domestic, ninety-nine dollars; and for filing and recording an 1677  
amendment to a report or associated trust instrument, or a 1678  
surrender of authority, to operate a business trust or real estate 1679  
investment trust, fifty dollars; 1680

(U)(1) For filing and recording the registration of a 1681  
trademark, service mark, or mark of ownership, one hundred 1682  
twenty-five dollars; 1683

(2) For filing and recording the change of address of a 1684  
registrant, the assignment of rights to a registration, a renewal 1685  
of a registration, or the cancellation of a registration 1686  
associated with a trademark, service mark, or mark of ownership, 1687  
twenty-five dollars. 1688

(V) For filing a service of process with the secretary of 1689  
state, five dollars per address to be served, except as otherwise 1690  
provided in any section of the Revised Code; 1691

(W) For making, recording, and forwarding a commission under 1692  
section 107.06 of the Revised Code, the applicable fee specified 1693  
in that section. 1694

Fees specified in this section may be paid by cash, check, or 1695  
money order, by credit card in accordance with section 113.40 of 1696  
the Revised Code, or by an alternative payment program in 1697  
accordance with division (B) of section 111.18 of the Revised 1698  
Code. Any credit card number or the expiration date of any credit 1699  
card is not subject to disclosure under Chapter 149. of the 1700

Revised Code. 1701

**Sec. 111.28.** (A) There is hereby created in the state 1702  
treasury the help America vote act (HAVA) fund. All moneys 1703  
received by the secretary of state from the United States election 1704  
assistance commission for purposes established under the "Help 1705  
America Vote Act of 2002," Pub. L. No. 107-252, as amended, shall 1706  
be credited to the fund. The secretary of state shall use the 1707  
moneys credited to the fund for activities conducted pursuant to 1708  
the "~~Help America Vote Act of 2002,~~" Pub. L. No. 107-252, 116 1709  
~~Stat. 1666~~ that act. All investment earnings of the fund shall be 1710  
credited to the fund. 1711

(B) There is hereby created in the state treasury the 1712  
miscellaneous federal grants fund. All Except as otherwise 1713  
provided in division (A) of this section, all moneys the secretary 1714  
of state receives as grants from federal sources ~~that are not~~ 1715  
~~otherwise designated~~ shall be credited to the fund. The secretary 1716  
of state shall use the moneys credited to the fund for the 1717  
purposes and activities required by the applicable federal grant 1718  
agreements. All investment earnings of the fund shall be credited 1719  
to the fund. 1720

**Sec. 111.48.** There is in the state treasury the address 1721  
confidentiality program fund. The fund shall consist of money paid 1722  
into the fund pursuant to division ~~(B)(10)~~ (B)(11) of section 1723  
2929.18 and division (D) of section 2929.28 of the Revised Code 1724  
and any money appropriated to the fund by the general assembly or 1725  
donated to the fund. The secretary of state shall use the money in 1726  
the fund for the purpose of administering the address 1727  
confidentiality program described in sections 111.41 to 111.47 of 1728  
the Revised Code. 1729

**Sec. 119.12.** (A)(1) Except as provided in division (A)(2) or 1730

(3) of this section, any party adversely affected by any order of an agency issued pursuant to an adjudication denying an applicant admission to an examination, or denying the issuance or renewal of a license or registration of a licensee, or revoking or suspending a license, or allowing the payment of a forfeiture under section 4301.252 of the Revised Code may appeal from the order of the agency to the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident.

(2) An appeal from an order described in division (A)(1) of this section issued by any of the following agencies shall be made to the court of common pleas of Franklin county:

(a) The liquor control commission;

(b) The Ohio casino control commission;

(c) The state medical board;

~~(e)~~(d) The state chiropractic board;

~~(d)~~(e) The board of nursing;

~~(e)~~(f) The bureau of workers' compensation regarding participation in the health partnership program created in sections 4121.44 and 4121.441 of the Revised Code;

(g) The occupational therapy, physical therapy, and athletic trainers board.

(3) If any party appealing from an order described in division (A)(1) of this section is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin county.

(B) Any party adversely affected by any order of an agency issued pursuant to any other adjudication may appeal to the court of common pleas of Franklin county, except that appeals from orders of the fire marshal issued under Chapter 3737. of the

Revised Code may be to the court of common pleas of the county in 1761  
which the building of the aggrieved person is located and except 1762  
that appeals under division (B) of section 124.34 of the Revised 1763  
Code from a decision of the state personnel board of review or a 1764  
municipal or civil service township civil service commission shall 1765  
be taken to the court of common pleas of the county in which the 1766  
appointing authority is located or, in the case of an appeal by 1767  
the department of rehabilitation and correction, to the court of 1768  
common pleas of Franklin county. 1769

(C) This section does not apply to appeals from the 1770  
department of taxation. 1771

(D) Any party desiring to appeal shall file a notice of 1772  
appeal with the agency setting forth the order appealed from and 1773  
stating that the agency's order is not supported by reliable, 1774  
probative, and substantial evidence and is not in accordance with 1775  
law. The notice of appeal may, but need not, set forth the 1776  
specific grounds of the party's appeal beyond the statement that 1777  
the agency's order is not supported by reliable, probative, and 1778  
substantial evidence and is not in accordance with law. The notice 1779  
of appeal shall also be filed by the appellant with the court. In 1780  
filing a notice of appeal with the agency or court, the notice 1781  
that is filed may be either the original notice or a copy of the 1782  
original notice. Unless otherwise provided by law relating to a 1783  
particular agency, notices of appeal shall be filed within fifteen 1784  
days after the mailing of the notice of the agency's order as 1785  
provided in this section. For purposes of this paragraph, an order 1786  
includes a determination appealed pursuant to division (C) of 1787  
section 119.092 of the Revised Code. The amendments made to this 1788  
paragraph by Sub. H.B. 215 of the 128th general assembly are 1789  
procedural, and this paragraph as amended by those amendments 1790  
shall be applied retrospectively to all appeals pursuant to this 1791  
paragraph filed before September 13, 2010, but not earlier than 1792

May 7, 2009, which was the date the supreme court of Ohio released 1793  
its opinion and judgment in *Medcorp, Inc. v. Ohio Dep't. of Job* 1794  
*and Family Servs.* (2009), 121 Ohio St.3d 622. 1795

(E) The filing of a notice of appeal shall not automatically 1796  
operate as a suspension of the order of an agency. If it appears 1797  
to the court that an unusual hardship to the appellant will result 1798  
from the execution of the agency's order pending determination of 1799  
the appeal, the court may grant a suspension and fix its terms. If 1800  
an appeal is taken from the judgment of the court and the court 1801  
has previously granted a suspension of the agency's order as 1802  
provided in this section, the suspension of the agency's order 1803  
shall not be vacated and shall be given full force and effect 1804  
until the matter is finally adjudicated. No renewal of a license 1805  
or permit shall be denied by reason of the suspended order during 1806  
the period of the appeal from the decision of the court of common 1807  
pleas. In the case of an appeal from the Ohio casino control 1808  
commission, the state medical board, or the state chiropractic 1809  
board, the court may grant a suspension and fix its terms if it 1810  
appears to the court that an unusual hardship to the appellant 1811  
will result from the execution of the agency's order pending 1812  
determination of the appeal and the health, safety, and welfare of 1813  
the public will not be threatened by suspension of the order. This 1814  
provision shall not be construed to limit the factors the court 1815  
may consider in determining whether to suspend an order of any 1816  
other agency pending determination of an appeal. 1817

(F) The final order of adjudication may apply to any renewal 1818  
of a license or permit which has been granted during the period of 1819  
the appeal. 1820

(G) Notwithstanding any other provision of this section, any 1821  
order issued by a court of common pleas or a court of appeals 1822  
suspending the effect of an order of the liquor control commission 1823  
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 1824

suspends, revokes, or cancels a permit issued under Chapter 4303. 1825  
of the Revised Code or that allows the payment of a forfeiture 1826  
under section 4301.252 of the Revised Code shall terminate not 1827  
more than six months after the date of the filing of the record of 1828  
the liquor control commission with the clerk of the court of 1829  
common pleas and shall not be extended. The court of common pleas, 1830  
or the court of appeals on appeal, shall render a judgment in that 1831  
matter within six months after the date of the filing of the 1832  
record of the liquor control commission with the clerk of the 1833  
court of common pleas. A court of appeals shall not issue an order 1834  
suspending the effect of an order of the liquor control commission 1835  
that extends beyond six months after the date on which the record 1836  
of the liquor control commission is filed with a court of common 1837  
pleas. 1838

(H) Notwithstanding any other provision of this section, any 1839  
order issued by a court of common pleas or a court of appeals 1840  
suspending the effect of an order of the Ohio casino control 1841  
commission issued under Chapter 3772. of the Revised Code that 1842  
limits, conditions, restricts, suspends, revokes, denies, not 1843  
renews, fines, or otherwise penalizes an applicant, licensee, or 1844  
person excluded or ejected from a casino facility in accordance 1845  
with section 3772.031 of the Revised Code shall terminate not more 1846  
than six months after the date of the filing of the record of the 1847  
Ohio casino control commission with the clerk of the court of 1848  
common pleas and shall not be extended. The court of common pleas, 1849  
or the court of appeals on appeal, shall render a judgment in that 1850  
matter within six months after the date of the filing of the 1851  
record of the Ohio casino control commission with the clerk of the 1852  
court of common pleas. A court of appeals shall not issue an order 1853  
suspending the effect of an order of the Ohio casino control 1854  
commission that extends beyond six months after the date on which 1855  
the record of the Ohio casino control commission is filed with the 1856  
clerk of a court of common pleas. 1857

(I) Notwithstanding any other provision of this section, any order issued by a court of common pleas suspending the effect of an order of the state medical board or state chiropractic board that limits, revokes, suspends, places on probation, or refuses to register or reinstate a certificate issued by the board or reprimands the holder of the certificate shall terminate not more than fifteen months after the date of the filing of a notice of appeal in the court of common pleas, or upon the rendering of a final decision or order in the appeal by the court of common pleas, whichever occurs first.

~~(I)~~(J) Within thirty days after receipt of a notice of appeal from an order in any case in which a hearing is required by sections 119.01 to 119.13 of the Revised Code, the agency shall prepare and certify to the court a complete record of the proceedings in the case. Failure of the agency to comply within the time allowed, upon motion, shall cause the court to enter a finding in favor of the party adversely affected. Additional time, however, may be granted by the court, not to exceed thirty days, when it is shown that the agency has made substantial effort to comply. The record shall be prepared and transcribed, and the expense of it shall be taxed as a part of the costs on the appeal. The appellant shall provide security for costs satisfactory to the court of common pleas. Upon demand by any interested party, the agency shall furnish at the cost of the party requesting it a copy of the stenographic report of testimony offered and evidence submitted at any hearing and a copy of the complete record.

~~(J)~~(K) Notwithstanding any other provision of this section, any party desiring to appeal an order or decision of the state personnel board of review shall, at the time of filing a notice of appeal with the board, provide a security deposit in an amount and manner prescribed in rules that the board shall adopt in accordance with this chapter. In addition, the board is not

required to prepare or transcribe the record of any of its 1890  
proceedings unless the appellant has provided the deposit 1891  
described above. The failure of the board to prepare or transcribe 1892  
a record for an appellant who has not provided a security deposit 1893  
shall not cause a court to enter a finding adverse to the board. 1894

~~(K)~~(L) Unless otherwise provided by law, in the hearing of 1895  
the appeal, the court is confined to the record as certified to it 1896  
by the agency. Unless otherwise provided by law, the court may 1897  
grant a request for the admission of additional evidence when 1898  
satisfied that the additional evidence is newly discovered and 1899  
could not with reasonable diligence have been ascertained prior to 1900  
the hearing before the agency. 1901

~~(I)~~(M) The court shall conduct a hearing on the appeal and 1902  
shall give preference to all proceedings under sections 119.01 to 1903  
119.13 of the Revised Code, over all other civil cases, 1904  
irrespective of the position of the proceedings on the calendar of 1905  
the court. An appeal from an order of the state medical board 1906  
issued pursuant to division (G) of either section 4730.25 or 1907  
4731.22 of the Revised Code, the state chiropractic board issued 1908  
pursuant to section 4734.37 of the Revised Code, the liquor 1909  
control commission issued pursuant to Chapter 4301. or 4303. of 1910  
the Revised Code, or the Ohio casino control commission issued 1911  
pursuant to Chapter 3772. of the Revised Code shall be set down 1912  
for hearing at the earliest possible time and takes precedence 1913  
over all other actions. The hearing in the court of common pleas 1914  
shall proceed as in the trial of a civil action, and the court 1915  
shall determine the rights of the parties in accordance with the 1916  
laws applicable to a civil action. At the hearing, counsel may be 1917  
heard on oral argument, briefs may be submitted, and evidence may 1918  
be introduced if the court has granted a request for the 1919  
presentation of additional evidence. 1920

~~(M)~~(N) The court may affirm the order of the agency 1921

complained of in the appeal if it finds, upon consideration of the entire record and any additional evidence the court has admitted, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of this finding, it may reverse, vacate, or modify the order or make such other ruling as is supported by reliable, probative, and substantial evidence and is in accordance with law. The court shall award compensation for fees in accordance with section 2335.39 of the Revised Code to a prevailing party, other than an agency, in an appeal filed pursuant to this section.

~~(N)~~(O) The judgment of the court shall be final and conclusive unless reversed, vacated, or modified on appeal. These appeals may be taken either by the party or the agency, shall proceed as in the case of appeals in civil actions, and shall be pursuant to the Rules of Appellate Procedure and, to the extent not in conflict with those rules, Chapter 2505. of the Revised Code. An appeal by the agency shall be taken on questions of law relating to the constitutionality, construction, or interpretation of statutes and rules of the agency, and, in the appeal, the court may also review and determine the correctness of the judgment of the court of common pleas that the order of the agency is not supported by any reliable, probative, and substantial evidence in the entire record.

The court shall certify its judgment to the agency or take any other action necessary to give its judgment effect.

**Sec. 121.02.** The following administrative departments and their respective directors are hereby created:

(A) The office of budget and management, which shall be administered by the director of budget and management;

(B) The department of commerce, which shall be administered by the director of commerce;

(C) The department of administrative services, which shall be administered by the director of administrative services;	1953 1954
(D) The department of transportation, which shall be administered by the director of transportation;	1955 1956
(E) The department of agriculture, which shall be administered by the director of agriculture;	1957 1958
(F) The department of natural resources, which shall be administered by the director of natural resources;	1959 1960
(G) The department of health, which shall be administered by the director of health;	1961 1962
(H) The department of job and family services, which shall be administered by the director of job and family services;	1963 1964
(I) Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control;	1965 1966
(J) The department of public safety, which shall be administered by the director of public safety;	1967 1968
(K) The department of mental health and addiction services, which shall be administered by the director of mental health and addiction services;	1969 1970 1971
(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;	1972 1973
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	1974 1975
(N) The <u>department of</u> development <del>services agency</del> , which shall be administered by the director of development <del>services</del> ;	1976 1977
(O) The department of youth services, which shall be administered by the director of youth services;	1978 1979
(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and	1980 1981

correction;	1982
(Q) The environmental protection agency, which shall be administered by the director of environmental protection;	1983 1984
(R) The department of aging, which shall be administered by the director of aging;	1985 1986
(S) The department of veterans services, which shall be administered by the director of veterans services;	1987 1988
(T) The department of medicaid, which shall be administered by the medicaid director.	1989 1990
The director of each department shall exercise the powers and perform the duties vested by law in such department.	1991 1992
<b>Sec. 121.03.</b> The following administrative department heads shall be appointed by the governor, with the advice and consent of the senate, and shall hold their offices during the term of the appointing governor, and are subject to removal at the pleasure of the governor.	1993 1994 1995 1996 1997
(A) The director of budget and management;	1998
(B) The director of commerce;	1999
(C) The director of transportation;	2000
(D) The director of agriculture;	2001
(E) The director of job and family services;	2002
(F) Until July 1, 1997, the director of liquor control;	2003
(G) The director of public safety;	2004
(H) The superintendent of insurance;	2005
(I) The director of development <del>services</del> ;	2006
(J) The tax commissioner;	2007
(K) The director of administrative services;	2008

(L) The director of natural resources;	2009
(M) The director of mental health and addiction services;	2010
(N) The director of developmental disabilities;	2011
(O) The director of health;	2012
(P) The director of youth services;	2013
(Q) The director of rehabilitation and correction;	2014
(R) The director of environmental protection;	2015
(S) The director of aging;	2016
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	2017 2018 2019
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	2020 2021
(V) The chancellor of higher education;	2022
(W) The medicaid director.	2023
<b>Sec. 121.07.</b> (A) Except as otherwise provided in this division, the officers mentioned in sections 121.04 and 121.05 of the Revised Code and the offices and divisions they administer shall be under the direction, supervision, and control of the directors of their respective departments, and shall perform such duties as the directors prescribe. In performing or exercising any of the examination or regulatory functions, powers, or duties vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 to 1315.18 of the Revised Code in the superintendent of financial institutions, the superintendent of financial institutions and the division of financial institutions are independent of and are not subject to the control of the department or the director of commerce. In the absence of the superintendent of financial institutions, the director of commerce shall, for a limited period	2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037

of time, perform or exercise any of those functions, powers, or 2038  
duties or authorize the deputy superintendent for banks to perform 2039  
or exercise any of the functions, ~~power~~ powers, or duties vested 2040  
by Title XI and sections 1315.01 to 1315.18 of the Revised Code in 2041  
the superintendent and the deputy superintendent for credit unions 2042  
to perform or exercise any of the functions, powers, or duties 2043  
vested by Chapters 1733. and 1761. of the Revised Code in the 2044  
superintendent. 2045

(B) With the approval of the governor, the director of each 2046  
department shall establish divisions within the department, and 2047  
distribute the work of the department among such divisions. Each 2048  
officer created by section 121.04 of the Revised Code shall be the 2049  
head of such a division, except for the equal opportunity 2050  
employment coordinator, who shall report to a position determined 2051  
by the director of administrative services. 2052

With the approval of the governor, the director of each 2053  
department may consolidate any two or more of the offices created 2054  
in the department by section 121.04 of the Revised Code, or reduce 2055  
the number of or create new divisions therein. 2056

The director of each department may prescribe rules for the 2057  
government of the department, the conduct of its employees, the 2058  
performance of its business, and the custody, use, and 2059  
preservation of the records, papers, books, documents, and 2060  
property pertaining thereto. 2061

**Sec. 121.08.** (A) There is hereby created in the department of 2062  
commerce the position of deputy director of administration. This 2063  
officer shall be appointed by the director of commerce, serve 2064  
under the director's direction, supervision, and control, perform 2065  
the duties the director prescribes, and hold office during the 2066  
director's pleasure. The director of commerce may designate an 2067  
assistant director of commerce to serve as the deputy director of 2068

administration. The deputy director of administration shall 2069  
perform the duties prescribed by the director of commerce in 2070  
supervising the activities of the division of administration of 2071  
the department of commerce. 2072

(B) Except as provided in section 121.07 of the Revised Code, 2073  
the department of commerce shall have all powers and perform all 2074  
duties vested in the deputy director of administration, the state 2075  
fire marshal, the superintendent of financial institutions, the 2076  
superintendent of real estate and professional licensing, the 2077  
superintendent of liquor control, the superintendent of industrial 2078  
compliance, the superintendent of unclaimed funds, and the 2079  
commissioner of securities, and shall have all powers and perform 2080  
all duties vested by law in all officers, deputies, and employees 2081  
of those offices. Except as provided in section 121.07 of the 2082  
Revised Code, wherever powers are conferred or duties imposed upon 2083  
any of those officers, the powers and duties shall be construed as 2084  
vested in the department of commerce. 2085

(C)(1) There is hereby created in the department of commerce 2086  
a division of financial institutions, which shall have all powers 2087  
and perform all duties vested by law in the superintendent of 2088  
financial institutions. Wherever powers are conferred or duties 2089  
imposed upon the superintendent of financial institutions, those 2090  
powers and duties shall be construed as vested in the division of 2091  
financial institutions. The division of financial institutions 2092  
shall be administered by the superintendent of financial 2093  
institutions. 2094

(2) All provisions of law governing the superintendent of 2095  
financial institutions shall apply to and govern the 2096  
superintendent of financial institutions provided for in this 2097  
section; all authority vested by law in the superintendent of 2098  
financial institutions with respect to the management of the 2099

division of financial institutions shall be construed as vested in 2100  
the superintendent of financial institutions created by this 2101  
section with respect to the division of financial institutions 2102  
provided for in this section; and all rights, privileges, and 2103  
emoluments conferred by law upon the superintendent of financial 2104  
institutions shall be construed as conferred upon the 2105  
superintendent of financial institutions as head of the division 2106  
of financial institutions. The director of commerce shall not 2107  
transfer from the division of financial institutions any of the 2108  
functions specified in division (C)(2) of this section. 2109

(D) There is hereby created in the department of commerce a 2110  
division of liquor control, which shall have all powers and 2111  
perform all duties vested by law in the superintendent of liquor 2112  
control. Wherever powers are conferred or duties are imposed upon 2113  
the superintendent of liquor control, those powers and duties 2114  
shall be construed as vested in the division of liquor control. 2115  
The division of liquor control shall be administered by the 2116  
superintendent of liquor control. 2117

(E) The director of commerce shall not be interested, 2118  
directly or indirectly, in any firm or corporation which is a 2119  
dealer in securities as defined in sections 1707.01 and 1707.14 of 2120  
the Revised Code, or in any firm or corporation licensed under 2121  
sections 1321.01 to 1321.19 of the Revised Code. 2122

(F) The director of commerce shall not have any official 2123  
connection with a savings and loan association, a savings bank, a 2124  
bank, a bank holding company, a savings and loan association 2125  
holding company, a consumer finance company, or a credit union 2126  
that is under the supervision of the division of financial 2127  
institutions, or a subsidiary of any of the preceding entities, or 2128  
be interested in the business thereof. 2129

(G) There is hereby created in the state treasury the 2130  
division of administration fund. The fund shall receive 2131

assessments on the operating funds of the department of commerce 2132  
in accordance with procedures prescribed by the director of 2133  
commerce ~~and approved by the director of budget and management.~~ 2134  
All operating expenses of the division of administration shall be 2135  
paid from the division of administration fund. 2136

(H) There is hereby created in the department of commerce a 2137  
division of real estate and professional licensing, which shall be 2138  
under the control and supervision of the director of commerce. The 2139  
division of real estate and professional licensing shall be 2140  
administered by the superintendent of real estate and professional 2141  
licensing. The superintendent of real estate and professional 2142  
licensing shall exercise the powers and perform the functions and 2143  
duties delegated to the superintendent under Chapters 4735., 2144  
4763., 4764., 4767., and 4768. of the Revised Code. 2145

(I) There is hereby created in the department of commerce a 2146  
division of industrial compliance, which shall have all powers and 2147  
perform all duties vested by law in the superintendent of 2148  
industrial compliance. Wherever powers are conferred or duties 2149  
imposed upon the superintendent of industrial compliance, those 2150  
powers and duties shall be construed as vested in the division of 2151  
industrial compliance. The division of industrial compliance shall 2152  
be under the control and supervision of the director of commerce 2153  
and be administered by the superintendent of industrial 2154  
compliance. 2155

(J) There is hereby created in the department of commerce a 2156  
division of unclaimed funds, which shall have all powers and 2157  
perform all duties delegated to or vested by law in the 2158  
superintendent of unclaimed funds. Wherever powers are conferred 2159  
or duties imposed upon the superintendent of unclaimed funds, 2160  
those powers and duties shall be construed as vested in the 2161  
division of unclaimed funds. The division of unclaimed funds shall 2162  
be under the control and supervision of the director of commerce 2163

and shall be administered by the superintendent of unclaimed 2164  
funds. The superintendent of unclaimed funds shall exercise the 2165  
powers and perform the functions and duties delegated to the 2166  
superintendent by the director of commerce under section 121.07 2167  
and Chapter 169. of the Revised Code, and as may otherwise be 2168  
provided by law. 2169

(K) The department of commerce or a division of the 2170  
department created by the Revised Code that is acting with 2171  
authorization on the department's behalf may request from the 2172  
bureau of criminal identification and investigation pursuant to 2173  
section 109.572 of the Revised Code, or coordinate with 2174  
appropriate federal, state, and local government agencies to 2175  
accomplish, criminal records checks for the persons whose 2176  
identities are required to be disclosed by an applicant for the 2177  
issuance or transfer of a permit, license, certificate of 2178  
registration, or certification issued or transferred by the 2179  
department or division. At or before the time of making a request 2180  
for a criminal records check, the department or division may 2181  
require any person whose identity is required to be disclosed by 2182  
an applicant for the issuance or transfer of such a license, 2183  
permit, certificate of registration, or certification to submit to 2184  
the department or division valid fingerprint impressions in a 2185  
format and by any media or means acceptable to the bureau of 2186  
criminal identification and investigation and, when applicable, 2187  
the federal bureau of investigation. The department or division 2188  
may cause the bureau of criminal identification and investigation 2189  
to conduct a criminal records check through the federal bureau of 2190  
investigation only if the person for whom the criminal records 2191  
check would be conducted resides or works outside of this state or 2192  
has resided or worked outside of this state during the preceding 2193  
five years, or if a criminal records check conducted by the bureau 2194  
of criminal identification and investigation within this state 2195  
indicates that the person may have a criminal record outside of 2196

this state. 2197

In the case of a criminal records check under section 109.572 2198  
of the Revised Code, the department or division shall forward to 2199  
the bureau of criminal identification and investigation the 2200  
requisite form, fingerprint impressions, and fee described in 2201  
division (C) of that section. When requested by the department or 2202  
division in accordance with this section, the bureau of criminal 2203  
identification and investigation shall request from the federal 2204  
bureau of investigation any information it has with respect to the 2205  
person who is the subject of the requested criminal records check 2206  
and shall forward the requisite fingerprint impressions and 2207  
information to the federal bureau of investigation for that 2208  
criminal records check. After conducting a criminal records check 2209  
or receiving the results of a criminal records check from the 2210  
federal bureau of investigation, the bureau of criminal 2211  
identification and investigation shall provide the results to the 2212  
department or division. 2213

The department or division may require any person about whom 2214  
a criminal records check is requested to pay to the department or 2215  
division the amount necessary to cover the fee charged to the 2216  
department or division by the bureau of criminal identification 2217  
and investigation under division (C)(3) of section 109.572 of the 2218  
Revised Code, including, when applicable, any fee for a criminal 2219  
records check conducted by the federal bureau of investigation. 2220

(L) The director of commerce, or the director's designee, may 2221  
adopt rules to enhance compliance with statutes pertaining to, and 2222  
rules adopted by, divisions under the direction, supervision, and 2223  
control of the department or director by offering incentive-based 2224  
programs that ensure safety and soundness while promoting growth 2225  
and prosperity in the state. 2226

**Sec. 121.084.** (A) All moneys collected under sections 2227

3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 2228  
4169.03, and 5104.051 of the Revised Code, and any other moneys 2229  
collected by the division of industrial compliance shall be paid 2230  
into the state treasury to the credit of the industrial compliance 2231  
operating fund, which is hereby created. The department of 2232  
commerce shall use the moneys in the fund for paying the operating 2233  
expenses of the division and the administrative assessment 2234  
described in division (B) of this section. 2235

(B) The director of commerce, ~~with the approval of the~~ 2236  
~~director of budget and management,~~ shall prescribe procedures for 2237  
assessing the industrial compliance operating fund a proportionate 2238  
share of the administrative costs of the department of commerce. 2239  
The assessment shall be made in accordance with those procedures 2240  
and be paid from the industrial compliance operating fund to the 2241  
division of administration fund created in section 121.08 of the 2242  
Revised Code. 2243

**Sec. 121.22.** (A) This section shall be liberally construed to 2244  
require public officials to take official action and to conduct 2245  
all deliberations upon official business only in open meetings 2246  
unless the subject matter is specifically excepted by law. 2247

(B) As used in this section: 2248

(1) "Public body" means any of the following: 2249

(a) Any board, commission, committee, council, or similar 2250  
decision-making body of a state agency, institution, or authority, 2251  
and any legislative authority or board, commission, committee, 2252  
council, agency, authority, or similar decision-making body of any 2253  
county, township, municipal corporation, school district, or other 2254  
political subdivision or local public institution; 2255

(b) Any committee or subcommittee of a body described in 2256  
division (B)(1)(a) of this section; 2257

(c) A court of jurisdiction of a sanitary district organized 2258  
wholly for the purpose of providing a water supply for domestic, 2259  
municipal, and public use when meeting for the purpose of the 2260  
appointment, removal, or reappointment of a member of the board of 2261  
directors of such a district pursuant to section 6115.10 of the 2262  
Revised Code, if applicable, or for any other matter related to 2263  
such a district other than litigation involving the district. As 2264  
used in division (B)(1)(c) of this section, "court of 2265  
jurisdiction" has the same meaning as "court" in section 6115.01 2266  
of the Revised Code. 2267

(2) "Meeting" means any prearranged discussion of the public 2268  
business of the public body by a majority of its members. 2269

(3) "Regulated individual" means either of the following: 2270

(a) A student in a state or local public educational 2271  
institution; 2272

(b) A person who is, voluntarily or involuntarily, an inmate, 2273  
patient, or resident of a state or local institution because of 2274  
criminal behavior, mental illness, an intellectual disability, 2275  
disease, disability, age, or other condition requiring custodial 2276  
care. 2277

(4) "Public office" has the same meaning as in section 2278  
149.011 of the Revised Code. 2279

(C) All meetings of any public body are declared to be public 2280  
meetings open to the public at all times. A member of a public 2281  
body shall be present in person at a meeting open to the public to 2282  
be considered present or to vote at the meeting and for purposes 2283  
of determining whether a quorum is present at the meeting. 2284

The minutes of a regular or special meeting of any public 2285  
body shall be promptly prepared, filed, and maintained and shall 2286  
be open to public inspection. The minutes need only reflect the 2287  
general subject matter of discussions in executive sessions 2288

authorized under division (G) or (J) of this section.	2289
(D) This section does not apply to any of the following:	2290
(1) A grand jury;	2291
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	2292 2293 2294
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the department of rehabilitation and correction when its hearings are conducted at a correctional institution for the sole purpose of making determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	2295 2296 2297 2298 2299 2300 2301 2302
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	2303 2304
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	2305 2306 2307 2308 2309 2310
(6) The state medical board when determining whether to suspend a license or certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	2311 2312 2313 2314
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	2315 2316 2317
(8) The state board of pharmacy when determining whether to	2318

do either of the following: 2319

(a) Suspend a license, certification, or registration without 2320  
a prior hearing, including during meetings conducted by telephone 2321  
conference, pursuant to Chapters 3719., 3796., 4729., and 4752. of 2322  
the Revised Code and rules adopted thereunder; or 2323

(b) Restrict a person from obtaining further information from 2324  
the drug database established in section 4729.75 of the Revised 2325  
Code without a prior hearing pursuant to division (C) of section 2326  
4729.86 of the Revised Code. 2327

(9) The state chiropractic board when determining whether to 2328  
suspend a license without a hearing pursuant to section 4734.37 of 2329  
the Revised Code; 2330

(10) The executive committee of the emergency response 2331  
commission when determining whether to issue an enforcement order 2332  
or request that a civil action, civil penalty action, or criminal 2333  
action be brought to enforce Chapter 3750. of the Revised Code; 2334

(11) The board of directors of the nonprofit corporation 2335  
formed under section 187.01 of the Revised Code or any committee 2336  
thereof, and the board of directors of any subsidiary of that 2337  
corporation or a committee thereof; 2338

(12) An audit conference conducted by the audit staff of the 2339  
department of job and family services with officials of the public 2340  
office that is the subject of that audit under section 5101.37 of 2341  
the Revised Code; 2342

(13) The occupational therapy section of the occupational 2343  
therapy, physical therapy, and athletic trainers board when 2344  
determining whether to suspend a license ~~or limited permit~~ without 2345  
a hearing pursuant to division (D) of section 4755.11 of the 2346  
Revised Code; 2347

(14) The physical therapy section of the occupational 2348

therapy, physical therapy, and athletic trainers board when	2349
determining whether to suspend a license without a hearing	2350
pursuant to division (E) of section 4755.47 of the Revised Code;	2351
(15) The athletic trainers section of the occupational	2352
therapy, physical therapy, and athletic trainers board when	2353
determining whether to suspend a license without a hearing	2354
pursuant to division (D) of section 4755.64 of the Revised Code;	2355
(16) Meetings of the pregnancy-associated mortality review	2356
board established under section 3738.01 of the Revised Code;	2357
(17) Meetings of a fetal-infant mortality review board	2358
established under section 3707.71 of the Revised Code.	2359
(E) The controlling board, the tax credit authority, or the	2360
minority development financing advisory board, when meeting to	2361
consider granting assistance pursuant to Chapter 122. or 166. of	2362
the Revised Code, in order to protect the interest of the	2363
applicant or the possible investment of public funds, by unanimous	2364
vote of all board or authority members present, may close the	2365
meeting during consideration of the following information	2366
confidentially received by the authority or board from the	2367
applicant:	2368
(1) Marketing plans;	2369
(2) Specific business strategy;	2370
(3) Production techniques and trade secrets;	2371
(4) Financial projections;	2372
(5) Personal financial statements of the applicant or members	2373
of the applicant's immediate family, including, but not limited	2374
to, tax records or other similar information not open to public	2375
inspection.	2376
The vote by the authority or board to accept or reject the	2377
application, as well as all proceedings of the authority or board	2378

not subject to this division, shall be open to the public and 2379  
governed by this section. 2380

(F) Every public body, by rule, shall establish a reasonable 2381  
method whereby any person may determine the time and place of all 2382  
regularly scheduled meetings and the time, place, and purpose of 2383  
all special meetings. A public body shall not hold a special 2384  
meeting unless it gives at least twenty-four hours' advance notice 2385  
to the news media that have requested notification, except in the 2386  
event of an emergency requiring immediate official action. In the 2387  
event of an emergency, the member or members calling the meeting 2388  
shall notify the news media that have requested notification 2389  
immediately of the time, place, and purpose of the meeting. 2390

The rule shall provide that any person, upon request and 2391  
payment of a reasonable fee, may obtain reasonable advance 2392  
notification of all meetings at which any specific type of public 2393  
business is to be discussed. Provisions for advance notification 2394  
may include, but are not limited to, mailing the agenda of 2395  
meetings to all subscribers on a mailing list or mailing notices 2396  
in self-addressed, stamped envelopes provided by the person. 2397

(G) Except as provided in divisions (G)(8) and (J) of this 2398  
section, the members of a public body may hold an executive 2399  
session only after a majority of a quorum of the public body 2400  
determines, by a roll call vote, to hold an executive session and 2401  
only at a regular or special meeting for the sole purpose of the 2402  
consideration of any of the following matters: 2403

(1) To consider the appointment, employment, dismissal, 2404  
discipline, promotion, demotion, or compensation of a public 2405  
employee or official, or the investigation of charges or 2406  
complaints against a public employee, official, licensee, or 2407  
regulated individual, unless the public employee, official, 2408  
licensee, or regulated individual requests a public hearing. 2409  
Except as otherwise provided by law, no public body shall hold an 2410

executive session for the discipline of an elected official for 2411  
conduct related to the performance of the elected official's 2412  
official duties or for the elected official's removal from office. 2413  
If a public body holds an executive session pursuant to division 2414  
(G)(1) of this section, the motion and vote to hold that executive 2415  
session shall state which one or more of the approved purposes 2416  
listed in division (G)(1) of this section are the purposes for 2417  
which the executive session is to be held, but need not include 2418  
the name of any person to be considered at the meeting. 2419

(2) To consider the purchase of property for public purposes, 2420  
the sale of property at competitive bidding, or the sale or other 2421  
disposition of unneeded, obsolete, or unfit-for-use property in 2422  
accordance with section 505.10 of the Revised Code, if premature 2423  
disclosure of information would give an unfair competitive or 2424  
bargaining advantage to a person whose personal, private interest 2425  
is adverse to the general public interest. No member of a public 2426  
body shall use division (G)(2) of this section as a subterfuge for 2427  
providing covert information to prospective buyers or sellers. A 2428  
purchase or sale of public property is void if the seller or buyer 2429  
of the public property has received covert information from a 2430  
member of a public body that has not been disclosed to the general 2431  
public in sufficient time for other prospective buyers and sellers 2432  
to prepare and submit offers. 2433

If the minutes of the public body show that all meetings and 2434  
deliberations of the public body have been conducted in compliance 2435  
with this section, any instrument executed by the public body 2436  
purporting to convey, lease, or otherwise dispose of any right, 2437  
title, or interest in any public property shall be conclusively 2438  
presumed to have been executed in compliance with this section 2439  
insofar as title or other interest of any bona fide purchasers, 2440  
lessees, or transferees of the property is concerned. 2441

(3) Conferences with an attorney for the public body 2442

concerning disputes involving the public body that are the subject	2443
of pending or imminent court action;	2444
(4) Preparing for, conducting, or reviewing negotiations or	2445
bargaining sessions with public employees concerning their	2446
compensation or other terms and conditions of their employment;	2447
(5) Matters required to be kept confidential by federal law	2448
or regulations or state statutes;	2449
(6) Details relative to the security arrangements and	2450
emergency response protocols for a public body or a public office,	2451
if disclosure of the matters discussed could reasonably be	2452
expected to jeopardize the security of the public body or public	2453
office;	2454
(7) In the case of a county hospital operated pursuant to	2455
Chapter 339. of the Revised Code, a joint township hospital	2456
operated pursuant to Chapter 513. of the Revised Code, or a	2457
municipal hospital operated pursuant to Chapter 749. of the	2458
Revised Code, to consider trade secrets, as defined in section	2459
1333.61 of the Revised Code;	2460
(8) To consider confidential information related to the	2461
marketing plans, specific business strategy, production	2462
techniques, trade secrets, or personal financial statements of an	2463
applicant for economic development assistance, or to negotiations	2464
with other political subdivisions respecting requests for economic	2465
development assistance, provided that both of the following	2466
conditions apply:	2467
(a) The information is directly related to a request for	2468
economic development assistance that is to be provided or	2469
administered under any provision of Chapter 715., 725., 1724., or	2470
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43,	2471
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of	2472
the Revised Code, or that involves public infrastructure	2473

improvements or the extension of utility services that are 2474  
directly related to an economic development project. 2475

(b) A unanimous quorum of the public body determines, by a 2476  
roll call vote, that the executive session is necessary to protect 2477  
the interests of the applicant or the possible investment or 2478  
expenditure of public funds to be made in connection with the 2479  
economic development project. 2480

If a public body holds an executive session to consider any 2481  
of the matters listed in divisions (G)(2) to (8) of this section, 2482  
the motion and vote to hold that executive session shall state 2483  
which one or more of the approved matters listed in those 2484  
divisions are to be considered at the executive session. 2485

A public body specified in division (B)(1)(c) of this section 2486  
shall not hold an executive session when meeting for the purposes 2487  
specified in that division. 2488

(H) A resolution, rule, or formal action of any kind is 2489  
invalid unless adopted in an open meeting of the public body. A 2490  
resolution, rule, or formal action adopted in an open meeting that 2491  
results from deliberations in a meeting not open to the public is 2492  
invalid unless the deliberations were for a purpose specifically 2493  
authorized in division (G) or (J) of this section and conducted at 2494  
an executive session held in compliance with this section. A 2495  
resolution, rule, or formal action adopted in an open meeting is 2496  
invalid if the public body that adopted the resolution, rule, or 2497  
formal action violated division (F) of this section. 2498

(I)(1) Any person may bring an action to enforce this 2499  
section. An action under division (I)(1) of this section shall be 2500  
brought within two years after the date of the alleged violation 2501  
or threatened violation. Upon proof of a violation or threatened 2502  
violation of this section in an action brought by any person, the 2503  
court of common pleas shall issue an injunction to compel the 2504

members of the public body to comply with its provisions. 2505

(2)(a) If the court of common pleas issues an injunction 2506  
pursuant to division (I)(1) of this section, the court shall order 2507  
the public body that it enjoins to pay a civil forfeiture of five 2508  
hundred dollars to the party that sought the injunction and shall 2509  
award to that party all court costs and, subject to reduction as 2510  
described in division (I)(2) of this section, reasonable 2511  
attorney's fees. The court, in its discretion, may reduce an award 2512  
of attorney's fees to the party that sought the injunction or not 2513  
award attorney's fees to that party if the court determines both 2514  
of the following: 2515

(i) That, based on the ordinary application of statutory law 2516  
and case law as it existed at the time of violation or threatened 2517  
violation that was the basis of the injunction, a well-informed 2518  
public body reasonably would believe that the public body was not 2519  
violating or threatening to violate this section; 2520

(ii) That a well-informed public body reasonably would 2521  
believe that the conduct or threatened conduct that was the basis 2522  
of the injunction would serve the public policy that underlies the 2523  
authority that is asserted as permitting that conduct or 2524  
threatened conduct. 2525

(b) If the court of common pleas does not issue an injunction 2526  
pursuant to division (I)(1) of this section and the court 2527  
determines at that time that the bringing of the action was 2528  
frivolous conduct, as defined in division (A) of section 2323.51 2529  
of the Revised Code, the court shall award to the public body all 2530  
court costs and reasonable attorney's fees, as determined by the 2531  
court. 2532

(3) Irreparable harm and prejudice to the party that sought 2533  
the injunction shall be conclusively and irrebuttably presumed 2534  
upon proof of a violation or threatened violation of this section. 2535

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

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

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

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

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

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

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

**Sec. 122.01.** (A) As used in the Revised Code, the "~~department~~ 2567  
of development services agency" means the department of 2568  
development ~~services agency~~ and the "director of development 2569  
services" means the director of development ~~services~~. Whenever the 2570  
~~department~~ development services agency or director of development 2571  
services is referred to or designated in any statute, rule, 2572  
contract, grant, or other document, the reference or designation 2573  
shall be deemed to refer to the department of development ~~services~~ 2574  
~~agency~~ or director of development ~~services~~, as the case may be. 2575

(B) As used in this chapter: 2576

(1) "Community problems" includes, but is not limited to, 2577  
taxation, fiscal administration, governmental structure and 2578  
organization, intergovernmental cooperation, education and 2579  
training, employment needs, community planning and development, 2580  
air and water pollution, public safety and the administration of 2581  
justice, housing, mass transportation, community facilities and 2582  
services, health, welfare, recreation, open space, and the 2583  
development of human resources. 2584

(2) "Professional personnel" means either of the following: 2585

(a) Personnel who have earned a bachelor's degree from a 2586  
college or university; 2587

(b) Personnel who serve as or have the working title of 2588  
director, assistant director, deputy director, assistant deputy 2589  
director, manager, office chief, assistant office chief, or 2590  
program director. 2591

(3) "Technical personnel" means any of the following: 2592

(a) Personnel who provide technical assistance according to 2593  
their job description or in accordance with the Revised Code; 2594

(b) Personnel employed in the director of ~~development~~ 2595  
~~services~~ development's office or the legal office, communications 2596

office, finance office, legislative affairs office, or human	2597
resources office of the <u>department of development services</u> <del>agency</del> ;	2598
(c) Personnel employed in the technology division of the	2599
<del>agency</del> <u>department</u> .	2600
<b>Sec. 122.011.</b> (A) The <u>department of development services</u>	2601
<del>agency</del> shall develop and promote plans and programs designed to	2602
assure that state resources are efficiently used, economic growth	2603
is properly balanced, community growth is developed in an orderly	2604
manner, and local governments are coordinated with each other and	2605
the state, and for such purposes may do all of the following:	2606
(1) Serve as a clearinghouse for information, data, and other	2607
materials that may be helpful or necessary to persons or local	2608
governments, as provided in section 122.073 of the Revised Code;	2609
(2) Prepare and activate plans for the retention,	2610
development, expansion, and use of the resources and commerce of	2611
the state, as provided in section 122.04 of the Revised Code;	2612
(3) Assist and cooperate with federal, state, and local	2613
governments and agencies of federal, state, and local governments	2614
in the coordination of programs to carry out the functions and	2615
duties of the <del>agency</del> <u>department</u> ;	2616
(4) Encourage and foster research and development activities,	2617
conduct studies related to the solution of community problems, and	2618
develop recommendations for administrative or legislative actions,	2619
as provided in section 122.03 of the Revised Code;	2620
(5) Serve as the economic and community development planning	2621
agency, which shall prepare and recommend plans and programs for	2622
the orderly growth and development of this state and which shall	2623
provide planning assistance, as provided in section 122.06 of the	2624
Revised Code;	2625
(6) Cooperate with and provide technical assistance to state	2626

departments, political subdivisions, regional and local planning 2627  
commissions, tourist associations, councils of government, 2628  
community development groups, community action agencies, and other 2629  
appropriate organizations for carrying out the functions and 2630  
duties of the department of development ~~services agency~~ or for the 2631  
solution of community problems; 2632

(7) Coordinate the activities of state agencies that have an 2633  
impact on carrying out the functions and duties of the department 2634  
of development ~~services agency~~; 2635

(8) Encourage and assist the efforts of and cooperate with 2636  
local governments to develop mutual and cooperative solutions to 2637  
their common problems that relate to carrying out the purposes of 2638  
this section; 2639

(9) Study existing structure, operations, and financing of 2640  
regional or local government and those state activities that 2641  
involve significant relations with regional or local governmental 2642  
units, recommend to the governor and to the general assembly such 2643  
changes in these provisions and activities as will improve the 2644  
operations of regional or local government, and conduct other 2645  
studies of legal provisions that affect problems related to 2646  
carrying out the purposes of this section; 2647

(10) Create and operate a division of community development 2648  
to develop and administer programs and activities that are 2649  
authorized by federal statute or the Revised Code; 2650

(11) Until October 15, 2007, establish fees and charges, in 2651  
consultation with the director of agriculture, for purchasing 2652  
loans from financial institutions and providing loan guarantees 2653  
under the family farm loan program created under sections 901.80 2654  
to 901.83 of the Revised Code; 2655

(12) Provide loan servicing for the loans purchased and loan 2656  
guarantees provided under section 901.80 of the Revised Code as 2657

that section existed prior to October 15, 2007; 2658

(13) Until October 15, 2007, and upon approval by the 2659  
controlling board under division (A)(3) of section 901.82 of the 2660  
Revised Code of the release of money to be used for purchasing a 2661  
loan or providing a loan guarantee, request the release of that 2662  
money in accordance with division (B) of section 166.03 of the 2663  
Revised Code for use for the purposes of the fund created by 2664  
section 166.031 of the Revised Code. 2665

(14) Allocate that portion of the national recovery zone 2666  
economic development bond limitation and that portion of the 2667  
national recovery zone facility bond limitation that has been 2668  
allocated to the state under section 1400U-1 of the Internal 2669  
Revenue Code, 26 U.S.C. 1400U-1. If any county or municipal 2670  
corporation waives any portion of an allocation it receives under 2671  
division (A)(14) of this section, the ~~agency~~ department may 2672  
reallocate that amount. Any allocation or reallocation shall be 2673  
made in accordance with this section and section 1400U-1 of the 2674  
Internal Revenue Code. 2675

(B) The director of development ~~services~~ may request the 2676  
attorney general to, and the attorney general, in accordance with 2677  
section 109.02 of the Revised Code, shall bring a civil action in 2678  
any court of competent jurisdiction. The director may be sued in 2679  
the director's official capacity, in connection with this chapter, 2680  
in accordance with Chapter 2743. of the Revised Code. 2681

(C) The director shall execute a contract pursuant to section 2682  
187.04 of the Revised Code with the nonprofit corporation formed 2683  
under section 187.01 of the Revised Code, and may execute any 2684  
additional contracts with the corporation providing for the 2685  
corporation to assist the director or ~~agency~~ department in 2686  
carrying out any duties of the director or ~~agency~~ department under 2687  
this chapter, under any other provision of the Revised Code 2688  
dealing with economic development, or under a contract with the 2689

director, subject to section 187.04 of the Revised Code. 2690

**Sec. 122.041.** The director of development shall do all of the 2691  
following with regard to the encouraging diversity, growth, and 2692  
equity program created under section ~~123.152~~122.922 of the Revised 2693  
Code: 2694

(A) Conduct outreach, marketing, and recruitment of EDGE 2695  
business enterprises, as defined in that section; 2696

~~(B) Provide assistance to the department of administrative 2697  
services, as needed, to certify new EDGE business enterprises and 2698  
to train appropriate state agency staff;~~ 2699

~~(C)~~(B) Provide business development services to EDGE business 2700  
enterprises in the developmental and transitional stages of the 2701  
program, including financial and bonding assistance and management 2702  
and technical assistance; 2703

~~(D)~~(C) Develop a mentor program to bring businesses into a 2704  
working relationship with EDGE business enterprises in a way that 2705  
commercially benefits both entities and serves the purpose of the 2706  
EDGE program; 2707

~~(E) Not later than December 31, 2003, prepare and submit to 2708  
the governor a detailed report outlining and evaluating the 2709  
progress made in implementing the encouraging diversity, growth, 2710  
and equity program;~~ 2711

~~(F)~~(D) Establish processes by which an EDGE business 2712  
enterprise may apply for contract assistance, financial and 2713  
bonding assistance, management and technical assistance, and 2714  
mentoring opportunities. 2715

**Sec. 122.17.** (A) As used in this section: 2716

(1) "Payroll" means the total taxable income paid by the 2717  
employer during the employer's taxable year, or during the 2718

calendar year that includes the employer's tax period, to each 2719  
employee or each home-based employee employed in the project to 2720  
the extent such payroll is not used to determine the credit under 2721  
section 122.171 of the Revised Code. "Payroll" excludes amounts 2722  
paid before the day the taxpayer becomes eligible for the credit 2723  
and retirement or other benefits paid or contributed by the 2724  
employer to or on behalf of employees. 2725

(2) "Baseline payroll" means Ohio employee payroll, except 2726  
that the applicable measurement period is the twelve months 2727  
immediately preceding the date the tax credit authority approves 2728  
the taxpayer's application or the date the tax credit authority 2729  
receives the recommendation described in division (C)(2)(a) of 2730  
this section, whichever occurs first, multiplied by the sum of one 2731  
plus an annual pay increase factor to be determined by the tax 2732  
credit authority. 2733

(3) "Ohio employee payroll" means the amount of compensation 2734  
used to determine the withholding obligations in division (A) of 2735  
section 5747.06 of the Revised Code and paid by the employer 2736  
during the employer's taxable year, or during the calendar year 2737  
that includes the employer's tax period, to the following: 2738

(a) An employee employed in the project who is a resident of 2739  
this state including a qualifying work-from-home employee not 2740  
designated as a home-based employee by an applicant under division 2741  
(C)(1) of this section; 2742

(b) An employee employed at the project location who is not a 2743  
resident and whose compensation is not exempt from the tax imposed 2744  
under section 5747.02 of the Revised Code pursuant to a 2745  
reciprocity agreement with another state under division (A)(3) of 2746  
section 5747.05 of the Revised Code; 2747

(c) A home-based employee employed in the project. 2748

"Ohio employee payroll" excludes any such compensation to the 2749

extent it is used to determine the credit under section 122.171 of 2750  
the Revised Code, and excludes amounts paid before the day the 2751  
taxpayer becomes eligible for the credit under this section. 2752

(4) "Excess payroll" means Ohio employee payroll minus 2753  
baseline payroll. 2754

(5) "Home-based employee" means an employee whose services 2755  
are performed primarily from the employee's residence in this 2756  
state exclusively for the benefit of the project and whose rate of 2757  
pay is at least one hundred thirty-one per cent of the federal 2758  
minimum wage under 29 U.S.C. 206. 2759

(6) "Full-time equivalent employees" means the quotient 2760  
obtained by dividing the total number of hours for which employees 2761  
were compensated for employment in the project by two thousand 2762  
eighty. "Full-time equivalent employees" excludes hours that are 2763  
counted for a credit under section 122.171 of the Revised Code. 2764

(7) "Metric evaluation date" means the date by which the 2765  
taxpayer must meet all of the commitments included in the 2766  
agreement. 2767

(8) "Qualifying work-from-home employee" means an employee 2768  
who is a resident of this state and whose services are supervised 2769  
from the employer's project location and performed primarily from 2770  
a residence of the employee located in this state. 2771

(9) "Resident" or "resident of this state" means an 2772  
individual who is a resident as defined in section 5747.01 of the 2773  
Revised Code. 2774

(10) "Reporting period" means a period corresponding to the 2775  
annual report required under division (D)(6) of this section. 2776

(B) The tax credit authority may make grants under this 2777  
section to foster job creation in this state. Such a grant shall 2778  
take the form of a refundable credit allowed against the tax 2779

imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 2780  
5747.02 or levied under Chapter 5751. of the Revised Code. The 2781  
credit shall be claimed for the taxable years or tax periods 2782  
specified in the taxpayer's agreement with the tax credit 2783  
authority under division (D) of this section. With respect to 2784  
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 2785  
Chapter 5751. of the Revised Code, the credit shall be claimed in 2786  
the order required under section 5726.98, 5733.98, 5747.98, or 2787  
5751.98 of the Revised Code. The amount of the credit available 2788  
for a taxable year or for a calendar year that includes a tax 2789  
period equals the excess payroll for that year multiplied by the 2790  
percentage specified in the agreement with the tax credit 2791  
authority. 2792

(C)(1) A taxpayer or potential taxpayer who proposes a 2793  
project to create new jobs in this state may apply to the tax 2794  
credit authority to enter into an agreement for a tax credit under 2795  
this section. 2796

An application shall not propose to include both home-based 2797  
employees and employees who are not home-based employees in the 2798  
computation of Ohio employee payroll for the purposes of the same 2799  
tax credit agreement, except that a qualifying work-from-home 2800  
employee shall not be considered to be a home-based employee 2801  
unless so designated by the applicant. If a taxpayer or potential 2802  
taxpayer employs both home-based employees and employees who are 2803  
not home-based employees in a project, the taxpayer shall submit 2804  
separate applications for separate tax credit agreements for the 2805  
project, one of which shall include home-based employees in the 2806  
computation of Ohio employee payroll and one of which shall 2807  
include all other employees in the computation of Ohio employee 2808  
payroll. 2809

The director of development ~~services~~ shall prescribe the form 2810  
of the application. After receipt of an application, the authority 2811

may enter into an agreement with the taxpayer for a credit under 2812  
this section if it determines all of the following: 2813

(a) The taxpayer's project will increase payroll; 2814

(b) The taxpayer's project is economically sound and will 2815  
benefit the people of this state by increasing opportunities for 2816  
employment and strengthening the economy of this state; 2817

(c) Receiving the tax credit is a major factor in the 2818  
taxpayer's decision to go forward with the project. 2819

(2)(a) A taxpayer that chooses to begin the project prior to 2820  
receiving the determination of the authority may, upon submitting 2821  
the taxpayer's application to the authority, request that the 2822  
chief investment officer of the nonprofit corporation formed under 2823  
section 187.01 of the Revised Code and the director review the 2824  
taxpayer's application and recommend to the authority that the 2825  
taxpayer's application be considered. As soon as possible after 2826  
receiving such a request, the chief investment officer and the 2827  
director shall review the taxpayer's application and, if they 2828  
determine that the application warrants consideration by the 2829  
authority, make that recommendation to the authority not later 2830  
than six months after the application is received by the 2831  
authority. 2832

(b) The authority shall consider any taxpayer's application 2833  
for which it receives a recommendation under division (C)(2)(a) of 2834  
this section. If the authority determines that the taxpayer does 2835  
not meet all of the criteria set forth in division (C)(1) of this 2836  
section, the authority and the department of development services 2837  
~~agency~~ shall proceed in accordance with rules adopted by the 2838  
director pursuant to division (I) of this section. 2839

(D) An agreement under this section shall include all of the 2840  
following: 2841

(1) A detailed description of the project that is the subject 2842

of the agreement; 2843

(2)(a) The term of the tax credit, which, except as provided 2844  
in division (D)(2)(b) of this section, shall not exceed fifteen 2845  
years, and the first taxable year, or first calendar year that 2846  
includes a tax period, for which the credit may be claimed; 2847

(b) If the tax credit is computed on the basis of home-based 2848  
employees, the term of the credit shall expire on or before the 2849  
last day of the taxable or calendar year ending before the 2850  
beginning of the seventh year after September 6, 2012, the 2851  
effective date of H.B. 327 of the 129th general assembly. 2852

(3) A requirement that the taxpayer shall maintain operations 2853  
at the project location for at least the greater of seven years or 2854  
the term of the credit plus three years; 2855

(4) The percentage, as determined by the tax credit 2856  
authority, of excess payroll that will be allowed as the amount of 2857  
the credit for each taxable year or for each calendar year that 2858  
includes a tax period; 2859

(5) The pay increase factor to be applied to the taxpayer's 2860  
baseline payroll; 2861

(6) A requirement that the taxpayer annually shall report to 2862  
the director of development ~~services~~ full-time equivalent 2863  
employees, payroll, Ohio employee payroll, investment, the 2864  
provision of health care benefits and tuition reimbursement if 2865  
required in the agreement, and other information the director 2866  
needs to perform the director's duties under this section; 2867

(7) A requirement that the director of development ~~services~~ 2868  
annually review the information reported under division (D)(6) of 2869  
this section and verify compliance with the agreement; if the 2870  
taxpayer is in compliance, a requirement that the director issue a 2871  
certificate to the taxpayer stating that the information has been 2872  
verified and identifying the amount of the credit that may be 2873

claimed for the taxable or calendar year; 2874

(8) A provision providing that the taxpayer may not relocate 2875  
a substantial number of employment positions from elsewhere in 2876  
this state to the project location unless the director of 2877  
development ~~services~~ determines that the legislative authority of 2878  
the county, township, or municipal corporation from which the 2879  
employment positions would be relocated has been notified by the 2880  
taxpayer of the relocation. 2881

For purposes of this section, the movement of an employment 2882  
position from one political subdivision to another political 2883  
subdivision shall be considered a relocation of an employment 2884  
position unless the employment position in the first political 2885  
subdivision is replaced. The movement of a qualifying 2886  
work-from-home employee to a different residence located in this 2887  
state or to the project location shall not be considered a 2888  
relocation of an employment position. 2889

(9) If the tax credit is computed on the basis of home-based 2890  
employees, that the tax credit may not be claimed by the taxpayer 2891  
until the taxable year or tax period in which the taxpayer employs 2892  
at least two hundred employees more than the number of employees 2893  
the taxpayer employed on June 30, 2011. 2894

(E) If a taxpayer fails to meet or comply with any condition 2895  
or requirement set forth in a tax credit agreement, the tax credit 2896  
authority may amend the agreement to reduce the percentage or term 2897  
of the tax credit. The reduction of the percentage or term may 2898  
take effect in the current taxable or calendar year. 2899

(F) Projects that consist solely of point-of-final-purchase 2900  
retail facilities are not eligible for a tax credit under this 2901  
section. If a project consists of both point-of-final-purchase 2902  
retail facilities and nonretail facilities, only the portion of 2903  
the project consisting of the nonretail facilities is eligible for 2904

a tax credit and only the excess payroll from the nonretail facilities shall be considered when computing the amount of the tax credit. If a warehouse facility is part of a point-of-final-purchase retail facility and supplies only that facility, the warehouse facility is not eligible for a tax credit. Catalog distribution centers are not considered point-of-final-purchase retail facilities for the purposes of this division, and are eligible for tax credits under this section.

(G) Financial statements and other information submitted to the department of development ~~services agency~~ or the tax credit authority by an applicant or recipient of a tax credit under this section, and any information taken for any purpose from such statements or information, are not public records subject to section 149.43 of the Revised Code. However, the chairperson of the authority may make use of the statements and other information for purposes of issuing public reports or in connection with court proceedings concerning tax credit agreements under this section. Upon the request of the tax commissioner or, if the applicant or recipient is an insurance company, upon the request of the superintendent of insurance, the chairperson of the authority shall provide to the commissioner or superintendent any statement or information submitted by an applicant or recipient of a tax credit in connection with the credit. The commissioner or superintendent shall preserve the confidentiality of the statement or information.

(H) A taxpayer claiming a credit under this section shall submit to the tax commissioner or, if the taxpayer is an insurance company, to the superintendent of insurance, a copy of the director of ~~development services~~ development's certificate of verification under division (D)(7) of this section with the taxpayer's tax report or return for the taxable year or for the calendar year that includes the tax period. Failure to submit a

copy of the certificate with the report or return does not 2937  
invalidate a claim for a credit if the taxpayer submits a copy of 2938  
the certificate to the commissioner or superintendent within the 2939  
time prescribed by section 5703.0510 of the Revised Code or within 2940  
thirty days after the commissioner or superintendent requests it. 2941

(I) The director of development ~~services~~, after consultation 2942  
with the tax commissioner and the superintendent of insurance and 2943  
in accordance with Chapter 119. of the Revised Code, shall adopt 2944  
rules necessary to implement this section, including rules that 2945  
establish a procedure to be followed by the tax credit authority 2946  
and the department of development ~~services~~ agency in the event the 2947  
authority considers a taxpayer's application for which it receives 2948  
a recommendation under division (C)(2)(a) of this section but does 2949  
not approve it. ~~The~~ 2950

The rules may provide for recipients of tax credits under 2951  
this section to be charged fees to cover administrative costs of 2952  
the tax credit program. For the purposes of these rules, a 2953  
qualifying work-from-home employee shall be considered to be an 2954  
employee employed at the applicant's project location. The fees 2955  
collected shall be credited to the tax incentives operating fund 2956  
created in section 122.174 of the Revised Code. ~~At~~ 2957

The rules shall establish alternative eligibility 2958  
requirements for taxpayers that do not meet the generally 2959  
applicable employment and payroll thresholds prescribed by rules 2960  
of the director, but are otherwise eligible for the credit under 2961  
this section. These alternative eligibility requirements may 2962  
include reduced employment and payroll thresholds and other 2963  
distinct criteria. The tax credit authority shall not award more 2964  
than twenty-five million dollars in tax credits under the 2965  
alternative eligibility requirements in any fiscal biennium. 2966

At the time the director gives public notice under division 2967  
(A) of section 119.03 of the Revised Code of the adoption of the 2968

rules, the director shall submit copies of the proposed rules to 2969  
the chairpersons of the standing committees on economic 2970  
development in the senate and the house of representatives. 2971

(J) For the purposes of this section, a taxpayer may include 2972  
a partnership, a corporation that has made an election under 2973  
subchapter S of chapter one of subtitle A of the Internal Revenue 2974  
Code, or any other business entity through which income flows as a 2975  
distributive share to its owners. A partnership, S-corporation, or 2976  
other such business entity may elect to pass the credit received 2977  
under this section through to the persons to whom the income or 2978  
profit of the partnership, S-corporation, or other entity is 2979  
distributed. The election shall be made on the annual report 2980  
required under division (D)(6) of this section. The election 2981  
applies to and is irrevocable for the credit for which the report 2982  
is submitted. If the election is made, the credit shall be 2983  
apportioned among those persons in the same proportions as those 2984  
in which the income or profit is distributed. 2985

(K)(1) If the director of development ~~services~~ determines 2986  
that a taxpayer who has received a credit under this section is 2987  
not complying with the requirements of the agreement, the director 2988  
shall notify the tax credit authority of the noncompliance. After 2989  
receiving such a notice, and after giving the taxpayer an 2990  
opportunity to explain the noncompliance, the tax credit authority 2991  
may require the taxpayer to refund to this state a portion of the 2992  
credit in accordance with the following: 2993

(a) If the taxpayer fails to comply with the requirement 2994  
under division (D)(3) of this section, an amount determined in 2995  
accordance with the following: 2996

(i) If the taxpayer maintained operations at the project 2997  
location for a period less than or equal to the term of the 2998  
credit, an amount not exceeding one hundred per cent of the sum of 2999  
any credits allowed and received under this section; 3000

(ii) If the taxpayer maintained operations at the project location for a period longer than the term of the credit, but less than the greater of seven years or the term of the credit plus three years, an amount not exceeding seventy-five per cent of the sum of any credits allowed and received under this section.

(b) If, on the metric evaluation date, the taxpayer fails to substantially meet the job creation, payroll, or investment requirements included in the agreement, an amount determined at the discretion of the authority;

(c) If the taxpayer fails to substantially maintain the number of new full-time equivalent employees or amount of payroll required under the agreement at any time during the term of the agreement after the metric evaluation date, an amount determined at the discretion of the authority.

(2) If a taxpayer files for bankruptcy and fails as described in division (K)(1)(a), (b), or (c) of this section, the director may immediately commence an action to recoup an amount not exceeding one hundred per cent of the sum of any credits received by the taxpayer under this section.

(3) In determining the portion of the tax credit to be refunded to this state, the tax credit authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or superintendent of insurance, as appropriate. If the amount is certified to the commissioner, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the amount is certified to the superintendent, the superintendent shall make an assessment for that amount against the taxpayer under Chapter 5725. or 5729. of the Revised Code. The time

limitations on assessments under those chapters do not apply to an 3033  
assessment under this division, but the commissioner or 3034  
superintendent, as appropriate, shall make the assessment within 3035  
one year after the date the authority certifies to the 3036  
commissioner or superintendent the amount to be refunded. 3037

(L) On or before the first day of August each year, the 3038  
director of development ~~services~~ shall submit a report to the 3039  
governor, the president of the senate, and the speaker of the 3040  
house of representatives on the tax credit program under this 3041  
section. The report shall include information on the number of 3042  
agreements that were entered into under this section during the 3043  
preceding calendar year, a description of the project that is the 3044  
subject of each such agreement, and an update on the status of 3045  
projects under agreements entered into before the preceding 3046  
calendar year. 3047

(M) There is hereby created the tax credit authority, which 3048  
consists of the director of development ~~services~~ and four other 3049  
members appointed as follows: the governor, the president of the 3050  
senate, and the speaker of the house of representatives each shall 3051  
appoint one member who shall be a specialist in economic 3052  
development; the governor also shall appoint a member who is a 3053  
specialist in taxation. Terms of office shall be for four years. 3054  
Each member shall serve on the authority until the end of the term 3055  
for which the member was appointed. Vacancies shall be filled in 3056  
the same manner provided for original appointments. Any member 3057  
appointed to fill a vacancy occurring prior to the expiration of 3058  
the term for which the member's predecessor was appointed shall 3059  
hold office for the remainder of that term. Members may be 3060  
reappointed to the authority. Members of the authority shall 3061  
receive their necessary and actual expenses while engaged in the 3062  
business of the authority. The director of development ~~services~~ 3063  
shall serve as chairperson of the authority, and the members 3064

annually shall elect a vice-chairperson from among themselves. 3065  
Three members of the authority constitute a quorum to transact and 3066  
vote on the business of the authority. The majority vote of the 3067  
membership of the authority is necessary to approve any such 3068  
business, including the election of the vice-chairperson. 3069

The director of development ~~services~~ may appoint a 3070  
professional employee of the department of development ~~services~~ 3071  
~~agency~~ to serve as the director's substitute at a meeting of the 3072  
authority. The director shall make the appointment in writing. In 3073  
the absence of the director from a meeting of the authority, the 3074  
appointed substitute shall serve as chairperson. In the absence of 3075  
both the director and the director's substitute from a meeting, 3076  
the vice-chairperson shall serve as chairperson. 3077

(N) For purposes of the credits granted by this section 3078  
against the taxes imposed under sections 5725.18 and 5729.03 of 3079  
the Revised Code, "taxable year" means the period covered by the 3080  
taxpayer's annual statement to the superintendent of insurance. 3081

(O) On or before the first day of March of each of the five 3082  
calendar years beginning with 2014, each taxpayer subject to an 3083  
agreement with the tax credit authority under this section on the 3084  
basis of home-based employees shall report the number of 3085  
home-based employees and other employees employed by the taxpayer 3086  
in this state to the department of development ~~services~~ ~~agency~~. 3087

(P) On or before the first day of January of 2019, the 3088  
director of development ~~services~~ shall submit a report to the 3089  
governor, the president of the senate, and the speaker of the 3090  
house of representatives on the effect of agreements entered into 3091  
under this section in which the taxpayer included home-based 3092  
employees in the computation of income tax revenue, as that term 3093  
was defined in this section prior to the amendment of this section 3094  
by H.B. 64 of the 131st general assembly. The report shall include 3095  
information on the number of such agreements that were entered 3096

into in the preceding six years, a description of the projects 3097  
that were the subjects of such agreements, and an analysis of 3098  
nationwide home-based employment trends, including the number of 3099  
home-based jobs created from July 1, 2011, through June 30, 2017, 3100  
and a description of any home-based employment tax incentives 3101  
provided by other states during that time. 3102

(Q) The director of development ~~services~~ may require any 3103  
agreement entered into under this section for a tax credit 3104  
computed on the basis of home-based employees to contain a 3105  
provision that the taxpayer makes available health care benefits 3106  
and tuition reimbursement to all employees. 3107

(R) Original agreements approved by the tax credit authority 3108  
under this section in 2014 or 2015 before September 29, 2015, may 3109  
be revised at the request of the taxpayer to conform with the 3110  
amendments to this section and sections 5733.0610, 5736.50, 3111  
5747.058, and 5751.50 of the Revised Code by H.B. 64 of the 131st 3112  
general assembly, upon mutual agreement of the taxpayer and the 3113  
department of development ~~services agency~~, and approval by the tax 3114  
credit authority. 3115

(S)(1) As used in division (S) of this section: 3116

(a) "Eligible agreement" means an agreement approved by the 3117  
tax credit authority under this section on or before December 31, 3118  
2013. 3119

(b) ~~"Reporting period" means a period corresponding to the 3120  
annual report required under division (D)(6) of this section. 3121~~

~~(c)~~ "Income tax revenue" has the same meaning as under this 3122  
section as it existed before September 29, 2015, the effective 3123  
date of the amendment of this section by H.B. 64 of the 131st 3124  
general assembly. 3125

(2) In calendar year 2016 and thereafter, the tax credit 3126  
authority shall annually determine a withholding adjustment factor 3127

to be used in the computation of income tax revenue for eligible 3128  
agreements. The withholding adjustment factor shall be a numerical 3129  
percentage that equals the percentage that employer income tax 3130  
withholding rates have been increased or decreased as a result of 3131  
changes in the income tax rates prescribed by section 5747.02 of 3132  
the Revised Code by amendment of that section taking effect on or 3133  
after June 29, 2013. 3134

(3) Except as provided in division (S)(4) of this section, 3135  
for reporting periods ending in 2015 and thereafter for taxpayers 3136  
subject to eligible agreements, the tax credit authority shall 3137  
adjust the income tax revenue reported on the taxpayer's annual 3138  
report by multiplying the withholding adjustment factor by the 3139  
taxpayer's income tax revenue and doing one of the following: 3140

(a) If the income tax rates prescribed by section 5747.02 of 3141  
the Revised Code have decreased by amendment of that section 3142  
taking effect on or after June 29, 2013, add the product to the 3143  
taxpayer's income tax revenue. 3144

(b) If the income tax rates prescribed by section 5747.02 of 3145  
the Revised Code have increased by amendment of that section 3146  
taking effect on or after June 29, 2013, subtract the product from 3147  
the taxpayer's income tax revenue. 3148

(4) Division (S)(3) of this section shall not apply unless 3149  
all of the following apply for the reporting period with respect 3150  
to the eligible agreement: 3151

(a) The taxpayer has achieved one hundred per cent of the new 3152  
employment commitment identified in the agreement. 3153

(b) If applicable, the taxpayer has achieved one hundred per 3154  
cent of the new payroll commitment identified in the agreement. 3155

(c) If applicable, the taxpayer has achieved one hundred per 3156  
cent of the investment commitment identified in the agreement. 3157

(5) Failure by a taxpayer to have achieved any of the 3158  
applicable commitments described in divisions (S)(4)(a) to (c) of 3159  
this section in a reporting period does not disqualify the 3160  
taxpayer for the adjustment under division (S) of this section for 3161  
an ensuing reporting period. 3162

(T) For reporting periods ending in calendar year 2020 or 3163  
thereafter, any taxpayer may include qualifying work-from-home 3164  
employees in its report required under division (D)(6) of this 3165  
section, and the compensation of such employees shall qualify as 3166  
Ohio employee payroll under division (A)(3)(a) of this section, 3167  
even if the taxpayer's application to the tax credit authority to 3168  
enter into an agreement for a tax credit under this section was 3169  
approved before September 29, 2017, the effective date of the 3170  
amendment of this section by H.B. 49 of the 132nd general 3171  
assembly. 3172

**Sec. 122.178.** (A) As used in this section, "microcredential" 3173  
means an industry-recognized credential or certificate that an 3174  
applicant may complete in not more than one year and that is 3175  
approved by the chancellor of higher education. 3176

(B) There is hereby created the TechCred program to reimburse 3177  
employers from appropriations made for that purpose for training 3178  
costs for prospective and incumbent employees to earn a 3179  
microcredential. The department of development ~~services~~ agency, in 3180  
consultation with the governor's office of workforce 3181  
transformation and the department of higher education, shall 3182  
develop the program. 3183

(C)(1) An employer seeking to participate in the program 3184  
shall submit an application to the director of development 3185  
~~services~~ during an application period established by the director. 3186  
The employer shall include in the application all of the following 3187  
information: 3188

(a) Proof that the employer is registered to do business in this state;	3189 3190
(b) Proof that the employer is current on all tax obligations to the state;	3191 3192
(c) Proof that the employer is in compliance with all environmental regulations applicable to the employer;	3193 3194
(d) The name of the training provider from which a prospective or incumbent employee will receive the training and earn the microcredential;	3195 3196 3197
(e) The cost of the training;	3198
(f) The positions for which earning the microcredential will make a prospective or incumbent employee qualified or the occupational skill set that the prospective or incumbent employee will acquire on completing the training;	3199 3200 3201 3202
(g) The address of the facility or location at which the prospective or incumbent employee is expected to be employed after completing the training;	3203 3204 3205
(h) Any other information the director requires.	3206
(2) In addition to the information required under division (C)(1) of this section, an employer seeking to participate in the program also may submit any of the following information the employer wishes to provide to the director:	3207 3208 3209 3210
(a) The estimated wage after completing the training and earning the microcredential;	3211 3212
(b) The employer's certification as a minority business enterprise under section <del>123.151</del> <u>122.921</u> of the Revised Code or certification as an EDGE business enterprise under section <del>123.152</del> <u>122.922</u> of the Revised Code if applicable;	3213 3214 3215 3216
(c) The demographic information of the employer, including race and gender;	3217 3218

(d) Any demographic information of a prospective or incumbent employee that the employee provides to the employer, including race and gender; 3219  
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(e) Any other information the employer wishes to provide to the director. 3222  
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(D)(1) The director shall consider all applications submitted during an application period after the application period ends. The director shall consider the following factors in determining whether to approve an application: 3224  
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(a) The duration of the training program; 3228

(b) The cost of the training; 3229

(c) A prospective or incumbent employee's estimated wage after completing the training and earning the microcredential; 3230  
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(d) Whether approving an application will promote regional diversity in apportioning reimbursements uniformly across the state; 3232  
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(e) Any other factors the director considers relevant in determining whether to approve an application. 3235  
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(2) The chancellor of higher education shall establish a list of approved microcredentials. The director shall not approve an application submitted under division (C) of this section unless the microcredentials identified in the application are included in the chancellor's list. Not later than ninety days after ~~the effective date of this section~~ April 14, 2020, the director shall create a list of training providers that offer a microcredential included in the chancellor's list. Thereafter, the director shall annually update the list of training providers. 3237  
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3245

(3) If the director approves an employer's application for participation in the program, the approval is valid as long as the employer maintains accurate application information under division 3246  
3247  
3248

(C)(1) of this section with the director. The employer shall 3249  
submit the updated information to the director at the beginning of 3250  
the third fiscal year the employer participates in the program and 3251  
every other subsequent fiscal year thereafter. 3252

(4) The director shall not approve an application for 3253  
participation in the program if the employer has violated Chapter 3254  
4111. of the Revised Code within the four fiscal years immediately 3255  
preceding the date of application. 3256

(E)(1) Each participating employer seeking reimbursement for 3257  
training costs for a prospective or incumbent employee shall 3258  
submit an application to the director that includes all of the 3259  
following information for each prospective or incumbent employee: 3260

(a) The prospective or incumbent employee's name and 3261  
position, if applicable, at the time of submitting the 3262  
application; 3263

(b) The actual amount the employer paid to the training 3264  
provider for the training; 3265

(c) Evidence that the prospective or incumbent employee 3266  
earned a microcredential; 3267

(d) Evidence that the prospective or incumbent employee is a 3268  
resident of this state. 3269

(2) The amount of the reimbursement shall be not more than 3270  
two thousand dollars for each microcredential a prospective or 3271  
incumbent employee receives. 3272

(F) No participating employer shall require a prospective or 3273  
incumbent employee who receives a microcredential because the 3274  
employer participated in and received a reimbursement through the 3275  
employer's participation in the TechCred program to accept or 3276  
continue employment with the employer. 3277

(G) For the purposes of determining regional diversity under 3278

this section, the following constitute the regions of the state: 3279

(1) The counties of Allen, Crawford, Defiance, Fulton, 3280  
Hancock, Hardin, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky, 3281  
Seneca, Van Wert, Williams, Wood, and Wyandot are one region; 3282

(2) The counties of Ashland, Ashtabula, Columbiana, Cuyahoga, 3283  
Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Portage, 3284  
Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne are one 3285  
region; 3286

(3) The counties of Auglaize, Champaign, Clark, Clinton, 3287  
Darke, Fayette, Greene, Mercer, Miami, Montgomery, Preble, and 3288  
Shelby are one region; 3289

(4) The counties of Delaware, Fairfield, Franklin, Knox, 3290  
Licking, Logan, Madison, Marion, Morrow, Pickaway, and Union are 3291  
one region; 3292

(5) The counties of Adams, Athens, Gallia, Highland, Hocking, 3293  
Jackson, Lawrence, Meigs, Pike, Ross, Scioto, and Vinton are one 3294  
region; 3295

(6) The counties of Belmont, Carroll, Coshocton, Guernsey, 3296  
Harrison, Holmes, Jefferson, Monroe, Morgan, Muskingum, Noble, 3297  
Perry, and Washington are one region; 3298

(7) The counties of Brown, Butler, Clermont, Hamilton, and 3299  
Warren are one region. 3300

(H)(1) The director shall do both of the following regarding 3301  
the operation of the program: 3302

(a) Create an application to participate in the program and 3303  
an application for reimbursement; 3304

(b) Create an internet web site with the applications for and 3305  
information regarding the program created in this section. 3306

(2) The governor's office of workforce transformation shall 3307  
include on the office's internet web site either of the following: 3308

(a) The applications for and information regarding the program created in this section;	3309 3310
(b) An internet link to the internet web site created under division (H)(1)(b) of this section.	3311 3312
(I) The director may adopt rules in accordance with Chapter 119. of the Revised Code regarding the operation of the program as the director considers necessary to administer the program, including establishing priority guidelines for approving applications under division (D) of this section.	3313 3314 3315 3316 3317
<b>Sec. 122.42.</b> (A) The director of development <del>services</del> shall do all of the following:	3318 3319
(1) Receive applications for assistance under sections 122.39 and 122.41 to 122.62 of the Revised Code;	3320 3321
(2) Make a final determination whether to approve the application for assistance;	3322 3323
(3) Transmit determinations to approve assistance to the controlling board together with any information the controlling board requires for the board's review and decision as to whether to approve the assistance;	3324 3325 3326 3327
(4) Issue revenue bonds of the state through the treasurer of state, as necessary, payable solely from revenues and other sources as provided in sections 122.39 and 122.41 to 122.62 of the Revised Code.	3328 3329 3330 3331
(B) The director may do all of the following:	3332
(1) Fix the rate of interest and charges to be made upon or with respect to moneys loaned by the director and the terms upon which mortgages and lease rentals may be guaranteed and the rates of charges to be made for the loans and guarantees and to make provisions for the operation of the funds established by the director in accordance with this section and sections 122.54,	3333 3334 3335 3336 3337 3338

122.55, 122.56, and 122.57 of the Revised Code; 3339

(2) Loan moneys from the fund established in accordance with 3340  
section 122.54 of the Revised Code pursuant to and in compliance 3341  
with sections 122.39 and 122.41 to 122.62 of the Revised Code; 3342

(3) Acquire in the name of the director any property of any 3343  
kind or character in accordance with sections 122.39 and 122.41 to 3344  
122.62 of the Revised Code, by purchase, purchase at foreclosure, 3345  
or exchange on such terms and in such manner as the director 3346  
considers proper; 3347

(4) Make and enter into all contracts and agreements 3348  
necessary or incidental to the performance of the director's 3349  
duties and the exercise of the director's powers under sections 3350  
122.39 and 122.41 to 122.62 of the Revised Code; 3351

(5) Maintain, protect, repair, improve, and insure any 3352  
property which the director has acquired and dispose of the same 3353  
by sale, exchange, or lease for the consideration and on the terms 3354  
and in the manner as the director considers proper, but is not 3355  
authorized to operate any such property as a business except as 3356  
the lessor of the property; 3357

(6)(a) When the cost of any contract for the maintenance, 3358  
protection, repair, or improvement of any property held by the 3359  
director other than compensation for personal services involves an 3360  
expenditure of more than one thousand dollars, the director shall 3361  
make a written contract with the lowest responsive and responsible 3362  
bidder in accordance with section 9.312 of the Revised Code after 3363  
advertisement for not less than two consecutive weeks in a 3364  
newspaper of general circulation in the county where such 3365  
contract, or some substantial part of it, is to be performed, and 3366  
in such other publications as the director determines, which 3367  
notice shall state the general character of the work and the 3368  
general character of the materials to be furnished, the place 3369

where plans and specifications may be examined, and the time and 3370  
place of receiving bids. 3371

(b) Each bid for a contract for the construction, demolition, 3372  
alteration, repair, or reconstruction of an improvement shall 3373  
contain the full name of every person interested in it and meet 3374  
the requirements of section 153.54 of the Revised Code. 3375

(c) Each bid for a contract, except as provided in division 3376  
(B)(6)(b) of this section, shall contain the full name of every 3377  
person interested in it and shall be accompanied by bond or 3378  
certified check on a solvent bank, in such amount as the director 3379  
considers sufficient, that if the bid is accepted a contract will 3380  
be entered into and the performance of the proposal secured. 3381

(d) The director may reject any and all bids. 3382

(e) A bond with good and sufficient surety, approved by the 3383  
director, shall be required of every contractor awarded a contract 3384  
except as provided in division (B)(6)(b) of this section, in an 3385  
amount equal to at least fifty per cent of the contract price, 3386  
conditioned upon faithful performance of the contract. 3387

(7) Employ financial consultants, appraisers, consulting 3388  
engineers, superintendents, managers, construction and accounting 3389  
experts, attorneys, and other employees and agents as are 3390  
necessary in the director's judgment and fix their compensation; 3391

(8) Assist qualified persons in the coordination and 3392  
formation of a small business development company, having a 3393  
statewide area of operation, conditional upon the company's 3394  
agreeing to seek to obtain certification from the federal small 3395  
business administration as a certified statewide development 3396  
company and participation in the guaranteed loan program 3397  
administered by the small business administration pursuant to the 3398  
Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During the 3399  
initial period of formation of the statewide small business 3400

development company, the director shall provide technical and 3401  
financial expertise, legal and managerial assistance, and other 3402  
services as are necessary and proper to enable the company to 3403  
obtain and maintain federal certification and participation in the 3404  
federal guaranteed loan program. The director may charge a fee, in 3405  
such amount and on such terms and conditions as the director 3406  
determines necessary and proper, for assistance and services 3407  
provided pursuant to division (B)(8) of this section. 3408

Persons chosen by the director to receive assistance in the 3409  
formation of a statewide small business development company 3410  
pursuant to division (B)(8) of this section shall make a special 3411  
effort to use their participation in the federal guaranteed loan 3412  
program to assist small businesses which are minority business 3413  
enterprises as defined in division (E) of section 122.71 of the 3414  
Revised Code. The director, with the assistance of the minority 3415  
business development division of the department of development, 3416  
shall provide technical and financial expertise, legal and 3417  
managerial assistance, and other services in such a manner to 3418  
enable the development company to provide assistance to small 3419  
businesses which are minority business enterprises, and shall make 3420  
available to the development company information pertaining to 3421  
assistance available to minority business enterprises under 3422  
programs established pursuant to sections 122.71 to 122.83, 122.87 3423  
to 122.89, 122.92 to 122.94, ~~123.151~~ 122.921, and 125.081 of the 3424  
Revised Code. 3425

(9) Receive and accept grants, gifts, and contributions of 3426  
money, property, labor, and other things of value to be held, 3427  
used, and applied only for the purpose for which such grants, 3428  
gifts, and contributions are made, from individuals, private and 3429  
public corporations, from the United States or any agency of the 3430  
United States, from the state or any agency of the state, and from 3431  
any political subdivision of the state, and may agree to repay any 3432

contribution of money or to return any property contributed or the 3433  
value of the property at such times, in such amounts, and on such 3434  
terms and conditions, excluding the payment of interest, as the 3435  
director determines at the time such contribution is made, and may 3436  
evidence such obligations by notes, bonds, or other written 3437  
instruments; 3438

(10) Establish with the treasurer of state the funds provided 3439  
in sections 122.54, 122.55, 122.56, and 122.57 of the Revised 3440  
Code, in addition to such funds as the director determines are 3441  
necessary or proper; 3442

(11) Do all acts and things necessary or proper to carry out 3443  
the powers expressly granted and the duties imposed in sections 3444  
122.39 and 122.41 to 122.62 and Chapter 163. of the Revised Code. 3445

(C) All expenses and obligations incurred by the director in 3446  
carrying out the director's powers and in exercising the 3447  
director's duties under sections 122.39 and 122.41 to 122.62 of 3448  
the Revised Code, shall be payable solely from the proceeds of 3449  
revenue bonds issued pursuant to those sections, from revenues or 3450  
other receipts or income of the director, from grants, gifts, and 3451  
contributions, or funds established in accordance with those 3452  
sections. Those sections do not authorize the director to incur 3453  
indebtedness or to impose liability on the state or any political 3454  
subdivision of the state. 3455

(D) Financial statements and financial data submitted to the 3456  
director by any corporation, partnership, or person in connection 3457  
with a loan application, or any information taken from such 3458  
statements or data for any purpose, shall not be open to public 3459  
inspection. 3460

**Sec. 122.60.** As used in sections 122.60 to 122.605 of the 3461  
Revised Code: 3462

(A) "Capital access loan" means a loan made by a 3463  
participating financial institution to an eligible business that 3464  
may be secured by a deposit of money from the fund into the 3465  
participating financial institution's program reserve account. 3466

(B) ~~"Department of development" means the development 3467  
services agency.~~ 3468

~~(C)~~ "Eligible business" means a for-profit business entity, 3469  
or a nonprofit entity, that had total annual sales in its most 3470  
recently completed fiscal year of less than ten million dollars 3471  
and that has a principal place of for-profit business or nonprofit 3472  
entity activity within the state, the operation of which, alone or 3473  
in conjunction with other facilities, will create new jobs or 3474  
preserve existing jobs and employment opportunities and will 3475  
improve the economic welfare of the people of the state. As used 3476  
in this division, "new jobs" does not include existing jobs 3477  
transferred from another facility within the state, and "existing 3478  
jobs" means only existing jobs at facilities within the same 3479  
municipal corporation or township in which the project, activity, 3480  
or enterprise that is the subject of a capital access loan is 3481  
located. 3482

~~(D)~~(C) "Financial institution" means any bank, trust company, 3483  
savings bank, or savings and loan association that is chartered by 3484  
and has a significant presence in the state, or any national bank, 3485  
federal savings and loan association, or federal savings bank that 3486  
has a significant presence in the state. 3487

~~(E)~~(D) "Fund" means the capital access loan program fund. 3488

~~(F)~~(E) "Minority business supplier development council" has 3489  
the same meaning as in section 122.71 of the Revised Code. 3490

~~(G)~~(F) "Participating financial institution" means a 3491  
financial institution that has a valid, current participation 3492  
agreement with the department of development ~~services agency~~. 3493

~~(H)~~(G) "Participation agreement" means the agreement between 3494  
a financial institution and the agency department under which a 3495  
financial institution may participate in the program. 3496

~~(I)~~(H) "Passive real estate ownership" means the ownership of 3497  
real estate for the sole purpose of deriving income from it by 3498  
speculation, trade, or rental. 3499

~~(J)~~(I) "Program" means the capital access loan program 3500  
created under section 122.602 of the Revised Code. 3501

~~(K)~~(J) "Program reserve account" means a dedicated account at 3502  
each participating financial institution that is the property of 3503  
the state and may be used by the participating financial 3504  
institution only for the purpose of recovering a claim under 3505  
section 122.604 of the Revised Code arising from a default on a 3506  
loan made by the participating financial institution under the 3507  
program. 3508

**Sec. 122.601.** There is hereby created in the state treasury 3509  
the capital access loan program fund. The fund shall consist of 3510  
money deposited into it from the minority business enterprise loan 3511  
fund pursuant to section 122.80 of the Revised Code and the 3512  
facilities establishment fund pursuant to section 166.03 of the 3513  
Revised Code and all money deposited into it pursuant to section 3514  
122.602 of the Revised Code. The total amount of money deposited 3515  
into the fund from the minority business enterprise loan fund or 3516  
the facilities establishment fund shall not exceed three million 3517  
dollars during any particular fiscal year of the department of 3518  
development ~~services agency~~. 3519

The agency department shall disburse money from the fund only 3520  
to pay the operating costs of the program, including the 3521  
administrative costs incurred by the agency department in 3522  
connection with the program, and only in keeping with the purposes 3523  
specified in sections 122.60 to 122.605 of the Revised Code. 3524

**Sec. 122.603.** (A)(1) Upon approval by the director of 3525  
development ~~services~~ and after entering into a participation 3526  
agreement with the department of development ~~services agency~~, a 3527  
participating financial institution making a capital access loan 3528  
shall establish a program reserve account. The account shall be an 3529  
interest-bearing account and shall contain only moneys deposited 3530  
into it under the program and the interest payable on the moneys 3531  
in the account. 3532

(2) All interest payable on the moneys in the program reserve 3533  
account shall be added to the moneys and held as an additional 3534  
loss reserve. The director may require that a portion or all of 3535  
the accrued interest so held in the account be released to the 3536  
~~agency~~ department. If the director causes a release of accrued 3537  
interest, the director shall deposit the released amount into the 3538  
capital access loan program fund created in section 122.601 of the 3539  
Revised Code. The director shall not require the release of that 3540  
accrued interest more than twice in a fiscal year. 3541

(B) When a participating financial institution makes a 3542  
capital access loan, it shall require the eligible business to pay 3543  
to the participating financial institution a fee in an amount that 3544  
is not less than one and one-half per cent, and not more than 3545  
three per cent, of the principal amount of the loan. The 3546  
participating financial institution shall deposit the fee into its 3547  
program reserve account, and it also shall deposit into the 3548  
account an amount of its own funds equal to the amount of the fee. 3549  
The participating financial institution may recover from the 3550  
eligible business all or part of the amount that the participating 3551  
financial institution is required to deposit into the account 3552  
under this division in any manner agreed to by the participating 3553  
financial institution and the eligible business. 3554

(C) For each capital access loan made by a participating 3555

financial institution, the participating financial institution 3556  
shall certify to the director, within a period specified by the 3557  
director, that the participating financial institution has made 3558  
the loan. The certification shall include the amount of the loan, 3559  
the amount of the fee received from the eligible business, the 3560  
amount of its own funds that the participating financial 3561  
institution deposited into its program reserve account to reflect 3562  
that fee, and any other information specified by the director. The 3563  
certification also shall indicate if the eligible business 3564  
receiving the capital access loan is a minority business 3565  
enterprise as defined in section 122.71 of the Revised Code or 3566  
certified by the minority business supplier development council. 3567

(D)(1)(a) Upon receipt of each of the first three 3568  
certifications from a participating financial institution made 3569  
under division (C) of this section and subject to section 122.602 3570  
of the Revised Code, the director shall disburse to the 3571  
participating financial institution from the capital access loan 3572  
program fund an amount not to exceed fifty per cent of the 3573  
principal amount of the particular capital access loan for deposit 3574  
into the participating financial institution's program reserve 3575  
account. Thereafter, upon receipt of a certification from that 3576  
participating financial institution made under division (C) of 3577  
this section and subject to section 122.602 of the Revised Code, 3578  
the director shall disburse to the participating financial 3579  
institution from the capital access loan program fund an amount 3580  
equal to ten per cent of the principal amount of the particular 3581  
capital access loan for deposit into the participating financial 3582  
institution's program reserve account. 3583

(b) Notwithstanding division (D)(1)(a) of this section, and 3584  
subject to section 122.602 of the Revised Code, upon receipt of 3585  
any certification from a participating financial institution made 3586  
under division (C) of this section with respect to a capital 3587

access loan made to an eligible business that is a minority 3588  
business enterprise, the director shall disburse to the 3589  
participating financial institution from the capital access loan 3590  
program fund an amount not to exceed eighty per cent of the 3591  
principal amount of the particular capital access loan for deposit 3592  
into the participating financial institution's program reserve 3593  
account. 3594

(2) The disbursement of moneys from the fund to a 3595  
participating financial institution does not require approval from 3596  
the controlling board. 3597

(E) If the amount in a program reserve account exceeds an 3598  
amount equal to thirty-three per cent of a participating financial 3599  
institution's outstanding capital access loans, the ~~agency~~ 3600  
department may cause the withdrawal of the excess amount and the 3601  
deposit of the withdrawn amount into the capital access loan 3602  
program fund. 3603

(F)(1) The ~~agency~~ department may cause the withdrawal of the 3604  
total amount in a participating financial institution's program 3605  
reserve account if any of the following applies: 3606

(a) The financial institution is no longer eligible to 3607  
participate in the program. 3608

(b) The participation agreement expires without renewal by 3609  
the ~~agency~~ department or the financial institution. 3610

(c) The financial institution has no outstanding capital 3611  
access loans. 3612

(d) The financial institution has not made a capital access 3613  
loan within the preceding twenty-four months. 3614

(2) If the ~~agency~~ department causes a withdrawal under 3615  
division (F)(1) of this section, the ~~agency~~ department shall 3616  
deposit the withdrawn amount into the capital access loan program 3617

fund. 3618

**Sec. 122.65.** As used in sections 122.65 to 122.659 of the 3619  
Revised Code: 3620

(A) "Applicable cleanup standards" means either of the 3621  
following: 3622

(1) For property to which Chapter 3734. of the Revised Code 3623  
and rules adopted under it apply, the requirements for closure or 3624  
corrective action established in rules adopted under section 3625  
3734.12 of the Revised Code; 3626

(2) For property to which Chapter 3746. of the Revised Code 3627  
and rules adopted under it apply, the cleanup standards that are 3628  
established in rules adopted under section 3746.04 of the Revised 3629  
Code. 3630

(B) "Applicant" means a county, township, municipal 3631  
corporation, port authority, or conservancy district or a park 3632  
district, other similar park authority, nonprofit organization, or 3633  
organization for profit that has entered into an agreement with a 3634  
county, township, municipal corporation, port authority, or 3635  
conservancy district to work in conjunction with that county, 3636  
township, municipal corporation, port authority, or conservancy 3637  
district for the purposes of sections 122.65 to 122.658 of the 3638  
Revised Code. 3639

(C) "Assessment" means a phase I and phase II property 3640  
assessment conducted in accordance with section 3746.04 of the 3641  
Revised Code and rules adopted under that section. 3642

(D) "Brownfield" means an abandoned, idled, or under-used 3643  
industrial, commercial, or institutional property where expansion 3644  
or redevelopment is complicated by known or potential releases of 3645  
hazardous substances or petroleum. 3646

(E) "Certified professional," "hazardous substance," 3647

"petroleum," and "release" have the same meanings as in section 3648  
3746.01 of the Revised Code. 3649

(F) "Cleanup or remediation" means any action to contain, 3650  
remove, or dispose of hazardous substances or petroleum at a 3651  
brownfield. "Cleanup or remediation" includes the acquisition of a 3652  
brownfield, demolition performed at a brownfield, and the 3653  
installation or upgrade of the minimum amount of infrastructure 3654  
that is necessary to make a brownfield operational for economic 3655  
development activity. 3656

(G) "Distressed area" means either a municipal corporation 3657  
with a population of at least fifty thousand or a county that 3658  
meets any two of the following criteria: 3659

(1) Its average rate of unemployment, during the most recent 3660  
five-year period for which data are available, is equal to at 3661  
least one hundred twenty-five per cent of the average rate of 3662  
unemployment for the United States for the same period. 3663

(2) It has a per capita income equal to or below eighty per 3664  
cent of the median county per capita income of the United States 3665  
as determined by the most recently available figures from the 3666  
United States census bureau. 3667

(3)(a) In the case of a municipal corporation, at least 3668  
twenty per cent of the residents have a total income for the most 3669  
recent census year that is below the official poverty line. 3670

(b) In the case of a county, in intercensal years, the county 3671  
has a ratio of transfer payment income to total county income 3672  
equal to or greater than twenty-five per cent. 3673

"Distressed area" includes a municipal corporation the 3674  
majority of the population of which is situated in a county that 3675  
is a distressed area. 3676

(H) "Eligible area" means a distressed area, an inner city 3677

area, a labor surplus area, or a situational distress area. 3678

(I) "Inner city area" means an area in a municipal 3679  
corporation that has a population of at least one hundred 3680  
thousand, is not a labor surplus area, and is a targeted 3681  
investment area established by the municipal corporation that is 3682  
comprised of block tracts identified in the most recently 3683  
available figures from the United States census bureau in which at 3684  
least twenty per cent of the population in the area is at or below 3685  
the official poverty line or of contiguous block tracts meeting 3686  
those criteria. 3687

(J) "Institutional property" means property currently or 3688  
formerly owned or controlled by the state that is or was used for 3689  
a public or charitable purpose. However, "institutional property" 3690  
does not mean property that is or was used for educational 3691  
purposes. 3692

(K) "Integrating committee" means a district public works 3693  
integrating committee established under section 164.04 of the 3694  
Revised Code. 3695

(L) "Labor surplus area" means an area designated as a labor 3696  
surplus area by the United States department of labor. 3697

(M) "Loan" includes credit enhancement. 3698

(N) "No further action letter" means a letter that is 3699  
prepared by a certified professional when, on the basis of the 3700  
best knowledge, information, and belief of the certified 3701  
professional, the certified professional concludes that the 3702  
cleanup or remediation of a brownfield meets the applicable 3703  
cleanup standards and that contains all of the information 3704  
specified in rules adopted under division ~~(B)(7)~~(B)(6) of section 3705  
3746.04 of the Revised Code. 3706

(O) "Nonprofit organization" means a corporation, 3707  
association, group, institution, society, or other organization 3708

that is exempt from federal income taxation under section 3709  
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 3710  
26 U.S.C. 501(c)(3), as amended. 3711

(P) "Property" means any parcel of real property, or portion 3712  
of such a parcel, and any improvements to it. 3713

(Q) "Public health project" means the cleanup or remediation 3714  
of a release or threatened release of hazardous substances or 3715  
petroleum at a property where little or no economic redevelopment 3716  
potential exists. 3717

(R) "Official poverty line" has the same meaning as in 3718  
section 3923.51 of the Revised Code. 3719

(S) "Situational distress area" means a county or a municipal 3720  
corporation that has experienced or is experiencing a closing or 3721  
downsizing of a major employer that will adversely affect the 3722  
county or municipal corporation's economy and that has applied to 3723  
the director of development to be designated as a situational 3724  
distress area for not more than thirty months by demonstrating all 3725  
of the following: 3726

(1) The number of jobs lost by the closing or downsizing; 3727

(2) The impact that the job loss has on the county or 3728  
municipal corporation's unemployment rate as measured by the 3729  
director of job and family services; 3730

(3) The annual payroll associated with the job loss; 3731

(4) The amount of state and local taxes associated with the 3732  
job loss; 3733

(5) The impact that the closing or downsizing has on 3734  
suppliers located in the county or municipal corporation. 3735

**Sec. 122.72.** (A) There is hereby created the minority 3736  
development financing advisory board to assist in carrying out the 3737

programs created pursuant to sections 122.71 to 122.83 and 122.87 3738  
to 122.89 of the Revised Code. 3739

(B) The board shall consist of ten members. The director of 3740  
development or the director's designee shall be a voting member on 3741  
the board. Seven members shall be appointed by the governor with 3742  
the advice and consent of the senate and selected because of their 3743  
knowledge of and experience in industrial, business, and 3744  
commercial financing, suretyship, construction, and their 3745  
understanding of the problems of minority business enterprises; 3746  
one member also shall be a member of the senate and appointed by 3747  
the president of the senate, and one member also shall be a member 3748  
of the house of representatives and appointed by the speaker of 3749  
the house of representatives. With respect to the board, all of 3750  
the following apply: 3751

(1) Not more than four of the members of the board appointed 3752  
by the governor shall be of the same political party. 3753

(2) Each member shall hold office from the date of the 3754  
member's appointment until the end of the term for which the 3755  
member was appointed. 3756

(3) The terms of office for the seven members appointed by 3757  
the governor shall be for seven years, commencing on the first day 3758  
of October and ending on the thirtieth day of September of the 3759  
seventh year, except that of the original seven members, three 3760  
shall be appointed for three years and two shall be appointed for 3761  
five years. 3762

(4) Any member of the board is eligible for reappointment. 3763

(5) Any member appointed to fill a vacancy occurring prior to 3764  
the expiration of the term for which the member's predecessor was 3765  
appointed shall hold office for the remainder of the predecessor's 3766  
term. 3767

(6) Any member shall continue in office subsequent to the 3768

expiration date of the member's term until the member's successor  
takes office, or until a period of sixty days has elapsed,  
whichever occurs first.

(7) Before entering upon official duties as a member of the  
board, each member shall take an oath as provided by Section 7 of  
Article XV, Ohio Constitution.

(8) The governor may, at any time, remove any member  
appointed by the governor pursuant to section 3.04 of the Revised  
Code.

(9) Notwithstanding section 101.26 of the Revised Code,  
members shall receive their necessary and actual expenses while  
engaged in the business of the board and shall be paid at the per  
diem rate of step 1 of pay range 31 of section 124.15 of the  
Revised Code.

(10) Six members of the board constitute a quorum and the  
affirmative vote of six members is necessary for any action taken  
by the board.

(11) In the event of the absence of a member appointed by the  
president of the senate or by the speaker of the house of  
representatives, either of the following persons may serve in the  
member's absence:

(a) The president of the senate or the speaker of the house  
of representatives, whoever appointed the absent member;

(b) A member of the senate or of the house of representatives  
of the same political party as the absent member, as designated by  
the president of the senate or the speaker of the house of  
representatives, whoever appointed the absent member.

(12) The board shall annually elect one of its members as  
chairperson and another as vice-chairperson.

**Sec. 122.73.** (A) The minority development financing advisory

board and the director of development are invested with the powers 3799  
and duties provided in sections 122.71 to 122.83 and 122.87 to 3800  
122.89 of the Revised Code, in order to promote the welfare of the 3801  
people of the state by encouraging the establishment and expansion 3802  
of minority business enterprises; to stabilize the economy; to 3803  
provide employment; to assist in the development within the state 3804  
of industrial, commercial, distribution, and research activities 3805  
required for the people of the state, and for their gainful 3806  
employment; or otherwise to create or preserve jobs and employment 3807  
opportunities, or improve the economic welfare of the people of 3808  
the state. It is hereby determined that the accomplishment of 3809  
those purposes is essential so that the people of the state may 3810  
maintain their present high standards of living in comparison with 3811  
the people of other states and so that opportunities for 3812  
employment and for favorable markets for the products of the 3813  
state's natural resources, agriculture, and manufacturing shall be 3814  
improved. It further is determined that it is necessary for the 3815  
state to establish the programs authorized under sections 122.71 3816  
to 122.83 and 122.87 to 122.89 of the Revised Code to establish 3817  
the minority development financing advisory board, and to invest 3818  
it and the director of development with the powers and duties 3819  
provided in those sections ~~122.71 to 122.89~~ of the Revised Code. 3820

(B) The minority development financing advisory board shall 3821  
do all of the following: 3822

(1) Make recommendations to the director as to applications 3823  
for assistance pursuant to sections 122.71 to 122.83 and 122.87 to 3824  
122.89 of the Revised Code. The board may revise its 3825  
recommendations to reflect any changes in the proposed assistance 3826  
made by the director. 3827

(2) Advise the director in the administration of sections 3828  
122.71 to 122.83 and 122.87 to 122.89 of the Revised Code. 3829

(3) Adopt bylaws to govern the conduct of the business of the 3830

board. 3831

**Sec. 122.74.** (A)(1) The director of development shall do all 3832  
of the following: 3833

(a) Receive applications for assistance under sections 122.71 3834  
to 122.83 and 122.87 to 122.89 of the Revised Code and 3835  
applications from surety companies for bond guarantees under 3836  
section 122.90 of the Revised Code, and, after processing but 3837  
subject to division (A)(2) of this section, forward them to the 3838  
minority development financing advisory board together with 3839  
necessary supporting information; 3840

(b) Receive the recommendations of the board and make a final 3841  
determination whether to approve the application for assistance; 3842

(c) Receive recommendations from a regional economic 3843  
development entity for loans made under section 122.76 of the 3844  
Revised Code and make a final determination, notwithstanding 3845  
divisions (A)(1) and (2) of this section, whether to approve the 3846  
proposed loan; 3847

(d) Transmit the director's determinations to approve 3848  
assistance to the controlling board unless such assistance falls 3849  
under section 122.90 of the Revised Code and has been previously 3850  
approved by the controlling board, together with any information 3851  
the controlling board requires for its review and decision as to 3852  
whether to approve the assistance. 3853

(2) The director is not required to submit any determination, 3854  
data, terms, or any other application materials or information to 3855  
the minority development financing advisory board when provision 3856  
of the assistance has been recommended to the director by a 3857  
regional economic development entity or when an application for a 3858  
surety company for bond guarantees under section 122.90 of the 3859  
Revised Code has been previously approved by the controlling 3860

board. 3861

(B) The director may do all of the following: 3862

(1) Fix the rate of interest and charges to be made upon or 3863  
with respect to moneys loaned or guaranteed by the director and 3864  
the terms upon which mortgages and lease rentals may be guaranteed 3865  
and the rates of charges to be made for them and make provisions 3866  
for the operation of the funds established by the director in 3867  
accordance with this section and sections 122.80, 122.88, and 3868  
122.90 of the Revised Code; 3869

(2) Loan and guarantee moneys from the fund established in 3870  
accordance with section 122.80 of the Revised Code pursuant to and 3871  
in compliance with sections 122.71 to 122.83 and 122.87 to 122.90 3872  
of the Revised Code. 3873

(3) Acquire in the name of the director any property of any 3874  
kind or character in accordance with sections 122.71 to 122.83 and 3875  
122.87 to 122.90 of the Revised Code, by purchase, purchase at 3876  
foreclosure, or exchange on such terms and in such manner as the 3877  
director considers proper; 3878

(4) Make and enter into all contracts and agreements 3879  
necessary or incidental to the performance of the director's 3880  
duties and the exercise of the director's powers under sections 3881  
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code; 3882

(5) Maintain, protect, repair, improve, and insure any 3883  
property that the director has acquired and dispose of it by sale, 3884  
exchange, or lease for the consideration and on the terms and in 3885  
the manner as the director considers proper, but the director 3886  
shall not operate any such property as a business except as the 3887  
lessor of it; 3888

(6)(a) When the cost of any contract for the maintenance, 3889  
protection, repair, or improvement of any property held by the 3890  
director, other than compensation for personal services, involves 3891

an expenditure of more than fifty thousand dollars, the director 3892  
shall make a written contract with the lowest responsive and 3893  
responsible bidder in accordance with section 9.312 of the Revised 3894  
Code after advertisement for not less than two consecutive weeks 3895  
in a newspaper of general circulation in the county where such 3896  
contract, or some substantial part of it, is to be performed, and 3897  
in such other publications as the director determines, which 3898  
notice shall state the general character of the work and the 3899  
general character of the materials to be furnished, the place 3900  
where plans and specifications therefor may be examined, and the 3901  
time and place of receiving bids. 3902

(b) Each bid for a contract for the construction, demolition, 3903  
alteration, repair, or reconstruction of an improvement shall 3904  
contain the full name of every person interested in it and meet 3905  
the requirements of section 153.54 of the Revised Code. 3906

(c) Each bid for a contract, except as provided in division 3907  
(B)(6)(b) of this section, shall contain the full name of every 3908  
person interested in it and shall be accompanied by bond or 3909  
certified check on a solvent bank, in such amount as the director 3910  
considers sufficient, that if the bid is accepted a contract will 3911  
be entered into and the performance of the proposal secured. 3912

(d) The director may reject any and all bids. 3913

(e) A bond with good and sufficient surety, approved by the 3914  
director, shall be required of every contractor awarded a contract 3915  
except as provided in division (B)(6)(b) of this section, in an 3916  
amount equal to at least fifty per cent of the contract price, 3917  
conditioned upon faithful performance of the contract. 3918

(7) Employ or contract with financial consultants, 3919  
appraisers, consulting engineers, superintendents, managers, 3920  
construction and accounting experts, attorneys, and other 3921  
employees and agents as are necessary in the director's judgment 3922

and fix their compensation; 3923

(8) Receive and accept grants, gifts, and contributions of 3924  
money, property, labor, and other things of value to be held, 3925  
used, and applied only for the purpose for which the grants, 3926  
gifts, and contributions are made, from individuals, private and 3927  
public corporations, from the United States or any agency thereof, 3928  
from the state or any agency thereof, and from any political 3929  
subdivision of the state, and may agree to repay any contribution 3930  
of money or to return any property contributed or the value 3931  
thereof at such times, in amounts, and on terms and conditions, 3932  
excluding the payment of interest, as the director determines at 3933  
the time the contribution is made, and may evidence the 3934  
obligations by notes, bonds, or other written instruments; 3935

(9) Establish with the treasurer of state the funds provided 3936  
in sections 122.80 and 122.88 of the Revised Code in addition to 3937  
such funds as the director determines are necessary or proper; 3938

(10) Adopt rules under Chapter 119. of the Revised Code 3939  
necessary to implement sections 122.71 to 122.83 and 122.87 to 3940  
122.90 of the Revised Code. 3941

(11) Do all acts and things necessary or proper to carry out 3942  
the powers expressly granted and the duties imposed in sections 3943  
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code. 3944

(C)(1) All expenses and obligations incurred by the director 3945  
in carrying out the director's powers and in exercising the 3946  
director's duties under sections 122.71 to 122.83 and 122.87 to 3947  
122.90 of the Revised Code shall be payable solely from revenues 3948  
or other receipts or income of the director, from grants, gifts, 3949  
and contributions, or funds established in accordance with such 3950  
sections. Such sections do not authorize the director to incur 3951  
indebtedness or to impose liability on the state or any political 3952  
subdivision of the state. 3953

(2) Financial statements and other data submitted to the 3954  
director by any corporation, partnership, or person in connection 3955  
with financial assistance provided under sections 122.71 to 122.83 3956  
and 122.87 to 122.90 of the Revised Code, or any information taken 3957  
from such statements or data for any purpose, shall not be open to 3958  
public inspection. 3959

**Sec. 122.751.** The minority development financing advisory 3960  
board or a regional economic development entity shall only 3961  
consider an application for a loan from any applicant after a 3962  
determination that the applicant is a community development 3963  
corporation, or after a certification by the ~~equal employment~~ 3964  
~~opportunity coordinator~~ director of the ~~department of~~ 3965  
~~administrative services~~ development under division (B)(1) of 3966  
section ~~123.151~~ 122.921 of the Revised Code that the applicant is 3967  
a minority business enterprise, or after a certification by the 3968  
minority business supplier development council that the applicant 3969  
is a minority business, and that the applicant satisfies all 3970  
criteria regarding eligibility for assistance pursuant to section 3971  
122.76 of the Revised Code. 3972

**Sec. 122.76.** (A) The director of development ~~services~~, with 3973  
controlling board approval, may lend funds to minority business 3974  
enterprises and to community improvement corporations, Ohio 3975  
development corporations, minority contractors business assistance 3976  
organizations, and minority business supplier development councils 3977  
for the purpose of loaning funds to minority business enterprises, 3978  
for the purpose of procuring or improving real or personal 3979  
property, or both, for the establishment, location, or expansion 3980  
of industrial, distribution, commercial, or research facilities in 3981  
the state, and for the purpose of contract financing, and to 3982  
community development corporations that predominantly benefit 3983  
minority business enterprises or are located in a census tract 3984

that has a population that is sixty per cent or more minority, if 3985  
the director determines, in the director's sole discretion, that 3986  
all of the following apply: 3987

(1) The project is economically sound and will benefit the 3988  
people of the state by increasing opportunities for employment, by 3989  
strengthening the economy of the state, or expanding minority 3990  
business enterprises. 3991

(2) The proposed minority business enterprise borrower is 3992  
unable to finance the proposed project through ordinary financial 3993  
channels at comparable terms. 3994

(3) The value of the project is or, upon completion, will be 3995  
at least equal to the total amount of the money expended in the 3996  
procurement or improvement of the project. 3997

(4) The amount to be loaned by the director will not exceed 3998  
seventy-five per cent of the total amount expended in the 3999  
procurement or improvement of the project. 4000

(5) The amount to be loaned by the director will be 4001  
adequately secured by a first or second mortgage upon the project 4002  
or by mortgages, leases, liens, assignments, or pledges on or of 4003  
other property or contracts as the director requires, and such 4004  
mortgage will not be subordinate to any other liens or mortgages 4005  
except the liens securing loans or investments made by financial 4006  
institutions referred to in division (A)(3) of this section, and 4007  
the liens securing loans previously made by any financial 4008  
institution in connection with the procurement or expansion of all 4009  
or part of a project. 4010

(B) Any proposed minority business enterprise borrower 4011  
submitting an application for assistance under this section shall 4012  
not have defaulted on a previous loan from the director, and no 4013  
full or limited partner, major shareholder, or holder of an equity 4014  
interest of the proposed minority business enterprise borrower 4015

shall have defaulted on a loan from the director. 4016

(C) The proposed minority business enterprise borrower shall 4017  
demonstrate to the satisfaction of the director that it is able to 4018  
successfully compete in the private sector if it obtains the 4019  
necessary financial, technical, or managerial support and that 4020  
support is available through the director, the minority business 4021  
development ~~office~~ division of the department of development 4022  
~~services agency~~, or other identified and acceptable sources. In 4023  
determining whether a minority business enterprise borrower will 4024  
be able to successfully compete, the director may give 4025  
consideration to such factors as the successful completion of or 4026  
participation in courses of study, recognized by the board of 4027  
regents as providing financial, technical, or managerial skills 4028  
related to the operation of the business, by the economically 4029  
disadvantaged individual, owner, or partner, and the prior success 4030  
of the individual, owner, or partner in personal, career, or 4031  
business activities, as well as to other factors identified by the 4032  
director. 4033

(D) The director shall not lend funds for the purpose of 4034  
procuring or improving motor vehicles or accounts receivable. 4035

**Sec. 122.77.** (A) The director of development with controlling 4036  
board approval may make loan guarantees to small businesses and 4037  
corporations for the purpose of guaranteeing loans made to small 4038  
businesses by financial institutions for the purpose of procuring 4039  
or improving real or personal property, or both, for the 4040  
establishment, location, or expansion of industrial, distribution, 4041  
commercial, or research facilities in the state, if the director 4042  
determines, in the director's sole discretion, that all of the 4043  
following apply: 4044

(1) The project is economically sound and will benefit the 4045  
people of the state by increasing opportunities for employment, by 4046

strengthening the economy of the state, or expanding minority  
business enterprises. 4047  
4048

(2) The proposed small business borrower is unable to finance 4049  
the proposed project through ordinary financial channels at 4050  
comparable terms. 4051

(3) The value of the project is, or upon completion of it 4052  
will be, at least equal to the total amount of the money expended 4053  
in the procurement or improvement of the project and of which 4054  
amount one or more financial institutions or other governmental 4055  
entities have loaned not less than thirty per cent. 4056

(4) The amount to be guaranteed by the director will not 4057  
exceed eighty per cent of the total amount expended in the 4058  
procurement or improvement of the project. 4059

(5) The amount to be guaranteed by the director will be 4060  
adequately secured by a first or second mortgage upon the project, 4061  
or by mortgages, leases, liens, assignments, or pledges on or of 4062  
other property or contracts as the director shall require and that 4063  
such mortgage will not be subordinate to any other liens or 4064  
mortgages except the liens securing loans or investments made by 4065  
financial institutions referred to in division (A)(3) of this 4066  
section, and the liens securing loans previously made by any 4067  
financial institution in connection with the procurement or 4068  
expansion of all or part of a project. 4069

(B) The proposed small business borrower shall not have 4070  
defaulted on a previous loan or guarantee from the director, and 4071  
no full or limited partner, or major shareholder, or holder of any 4072  
equity interest of the proposed minority business enterprise 4073  
borrower shall have defaulted on a loan or guarantee from the 4074  
director. 4075

(C) The proposed small business borrower shall demonstrate to 4076  
the satisfaction of the director that it is able to successfully 4077

compete in the private sector if it obtains the necessary 4078  
financial, technical, or managerial support and that support is 4079  
available through the director, the minority business development 4080  
~~office~~ division of the department of development, or other 4081  
identified and acceptable sources. In determining whether a small 4082  
business borrower will be able to successfully compete, the 4083  
director may give consideration to such factors as the successful 4084  
completion of or participation in courses of study, recognized by 4085  
the board of regents as providing financial, technical, or 4086  
managerial skills related to the operation of the business, by the 4087  
economically disadvantaged individual, owner, or partner, and the 4088  
prior success of the individual, owner, or partner in personal, 4089  
career, or business activities, as well as to other factors 4090  
identified by the director. 4091

(D) The director shall not guarantee funds for the purpose of 4092  
procuring or improving motor vehicles or accounts receivable. 4093

**Sec. 122.78.** Fees, charges, rates of interest, times of 4094  
payment of interest and principal, and other terms, conditions, 4095  
and provisions of the loans and guarantees made by the director of 4096  
development pursuant to sections 122.71 to 122.83 and 122.87 to 4097  
122.90 of the Revised Code shall be such as the director 4098  
determines to be appropriate and in furtherance of the purpose for 4099  
which the loans and guarantees are made, but the mortgage lien 4100  
securing any money loaned or guaranteed by the director may be 4101  
subordinate to the mortgage lien securing any money loaned or 4102  
invested by a financial institution, but shall be superior to that 4103  
securing any money loaned or expended by any other corporation or 4104  
person. The funds used in making these loans or guarantees shall 4105  
be disbursed upon order of the director. 4106

**Sec. 122.79.** The exercise of the powers granted by sections 4107  
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code, will be 4108

in all respects for the benefit of the people of the state, for 4109  
the increase of their commerce and prosperity, for the increase 4110  
and expansion of minority business enterprises, and for the 4111  
improvement of conditions of employment, and will constitute the 4112  
performance of essential governmental functions; therefore, the 4113  
director of development shall not be required to pay any taxes 4114  
upon any property or assets held by the director, or upon any 4115  
property acquired or used by the director under sections 122.71 to 4116  
122.83 and 122.87 to 122.90 of the Revised Code, or upon the 4117  
income from it, provided that this exemption shall not apply to 4118  
any property held by the director while it is in the possession of 4119  
a private person, partnership, or corporation and used for private 4120  
purposes for profit, in which case such tax liability shall accrue 4121  
to the private person, partnership, or corporation. 4122

**Sec. 122.82.** All moneys, funds, properties, and assets 4123  
acquired by the director of development shall be held by the 4124  
director in trust to carry out the director's powers and duties, 4125  
shall be used as provided in sections 122.71 to 122.83 and 122.87 4126  
to 122.90 of the Revised Code, and shall at no time be part of 4127  
other public funds. 4128

**Sec. 122.86.** (A) As used in this section and section 5747.81 4129  
of the Revised Code: 4130

(1) "Small business enterprise" means a corporation, 4131  
pass-through entity, or other person satisfying all of the 4132  
following: 4133

(a) At the time of a qualifying investment, the enterprise 4134  
meets all of the following requirements: 4135

(i) Has no outstanding tax or other liabilities owed to the 4136  
state; 4137

(ii) Is in good standing with the secretary of state, if the 4138

enterprise is required to be registered with the secretary; 4139

(iii) Is current with any court-ordered payments; 4140

(iv) Is not engaged in any illegal activity. 4141

(b) At the time of a qualifying investment, the enterprise's 4142  
assets according to generally accepted accounting principles do 4143  
not exceed fifty million dollars, or its annual sales do not 4144  
exceed ten million dollars. When making this determination, the 4145  
assets and annual sales of all of the enterprise's related or 4146  
affiliated entities shall be included in the calculation. 4147

(c) At the time of a qualifying investment and for the 4148  
two-year period immediately preceding the qualifying investment, 4149  
the enterprise employs at least fifty full-time equivalent 4150  
employees in this state for whom the enterprise is required to 4151  
withhold income tax under section 5747.06 of the Revised Code, or 4152  
more than one-half the enterprise's total number of full-time 4153  
equivalent employees employed anywhere in the United States are 4154  
employed in this state and are subject to that withholding 4155  
requirement. 4156

(d) The enterprise, within six months after an eligible 4157  
investor's qualifying investment is made, incurs cost for one or 4158  
more of the following: 4159

(i) Tangible personal property, other than motor vehicles 4160  
operated on public roads and highways, used in business and 4161  
physically located in this state from the time of its acquisition 4162  
by the enterprise until the end of the investor's holding period, 4163  
including the installation of such tangible personal property; 4164

(ii) Motor vehicles operated on public roads and highways if, 4165  
from the time of acquisition by the enterprise until the end of 4166  
the investor's holding period, the motor vehicles are purchased in 4167  
this state, registered in this state under Chapter 4503. of the 4168  
Revised Code, are used primarily for business purposes, and are 4169

necessary for the operation of the enterprise's business; 4170

(iii) Real property located in this state that is used in the 4171  
business from the time of its acquisition by the enterprise until 4172  
the end of the holding period; 4173

(iv) Leasehold improvements and construction costs for 4174  
property located in this state that is used in the business from 4175  
the time its improvement or construction was completed until the 4176  
end of the holding period; 4177

(v) Compensation for new employees of the enterprise hired 4178  
after the date the qualifying investment is made for whom the 4179  
enterprise is required to withhold income tax under section 4180  
5747.06 of the Revised Code. 4181

(2) "Qualifying investment" means an investment of money made 4182  
on or after July 1, 2019, to acquire capital stock or other equity 4183  
interest in a small business enterprise. "Qualifying investment" 4184  
does not include either of the following: 4185

(a) Any investment of money an eligible investor derives, 4186  
directly or indirectly, from a grant or loan from the federal 4187  
government or the state or a political subdivision, including the 4188  
third frontier program under Chapter 184. of the Revised Code; 4189

(b) Any investment of money which is the basis of a tax 4190  
credit granted under any other section of the Revised Code. 4191

(3) "Eligible investor" means an individual, estate, or trust 4192  
subject to the tax imposed by section 5747.02 of the Revised Code, 4193  
or a pass-through entity in which such an individual, estate, or 4194  
trust holds a direct or indirect ownership or other equity 4195  
interest. To qualify as an eligible investor, the individual, 4196  
estate, trust, or pass-through entity shall not owe any 4197  
outstanding tax or other liability to the state at the time of a 4198  
qualifying investment. 4199

(4) "Holding period" means the two-year period beginning on 4200  
the day a qualifying investment is made. 4201

(5) "Pass-through entity" has the same meaning as in section 4202  
5733.04 of the Revised Code. 4203

(B) An eligible investor that makes a qualifying investment 4204  
in a small business enterprise on or after July 1, 2019, may apply 4205  
to the director of development ~~services~~ to obtain an allocation 4206  
for a small business investment certificate from the director. 4207  
Alternatively, a small business enterprise may apply on behalf of 4208  
eligible investors to obtain the allocation for those investors. 4209  
The application must be submitted to the director within sixty 4210  
days after the date of the qualifying investment, but within the 4211  
same biennium as the qualifying investment. The director, in 4212  
consultation with the tax commissioner, shall prescribe the form 4213  
or manner in which an applicant shall apply for the certificate, 4214  
devise the form of the certificate, and prescribe any records or 4215  
other information an applicant shall furnish with the application 4216  
to evidence the qualifying investment. The applicant shall pay an 4217  
application fee equal to the greater of one-tenth of one per cent 4218  
of the amount of the intended investment or one hundred dollars. 4219

The director of development ~~services~~ may reserve small 4220  
business investment allocations to qualifying applicants in the 4221  
order in which the director receives applications. An application 4222  
is completed when the director has validated that an eligible 4223  
investor has made a qualified investment and receives all required 4224  
documentation needed to demonstrate the small business enterprise 4225  
satisfies the requirements of division (A)(1) of this section. To 4226  
qualify for an allocation, an eligible investor must satisfy both 4227  
of the following, subject to the limitation on the amount of 4228  
qualifying investments for which allocations may be issued under 4229  
division (C) of this section: 4230

(1) The eligible investor makes a qualifying investment on or 4231

after July 1, 2019. 4232

(2) The eligible investor pledges not to sell or otherwise 4233  
dispose of the qualifying investment before the conclusion of the 4234  
applicable holding period. 4235

(C)(1) The amount of any eligible investor's qualifying 4236  
investments for which small business investment allocations may be 4237  
issued for a fiscal biennium shall not exceed ten million dollars. 4238

(2) The director of development ~~services~~ shall not issue a 4239  
small business investment allocation to an eligible investor 4240  
representing an amount of qualifying investment in excess of the 4241  
amount of the investment indicated on the investor's application. 4242

(3) ~~For any fiscal biennium beginning before July 1, 2019,~~ 4243  
~~the director of development services shall not issue small~~ 4244  
~~business investment allocations in a total amount that would cause~~ 4245  
~~the tax credits claimed in that biennium to exceed one hundred~~ 4246  
~~million dollars.~~ For any fiscal biennium beginning on or after 4247  
July 1, ~~2019~~ 2021, the director of development shall not issue 4248  
small business investment allocations in a total amount that would 4249  
cause the tax credits claimed in that biennium to exceed ~~fifty~~ 4250  
twenty-five million dollars. 4251

(4) The director of development ~~services~~ may issue a small 4252  
business investment allocation only if both of the following apply 4253  
at the time of issuance: 4254

(a) The small business enterprise meets all the requirements 4255  
listed in divisions (A)(1)(a)(i) to (iv) of this section; 4256

(b) The eligible investor does not owe any outstanding tax or 4257  
other liability to the state. 4258

(5) The director shall not issue a small business investment 4259  
allocation on the basis of any investment for which an Ohio 4260  
opportunity zone investment certificate has been issued under 4261

section 122.84 of the Revised Code. 4262

(D) Before the end of the applicable holding period of a 4263  
qualifying investment, each enterprise in which a qualifying 4264  
investment was made for which a small business investment 4265  
allocation has been issued, upon the request of the director of 4266  
development ~~services~~, shall provide to the director records or 4267  
other evidence satisfactory to the director that the enterprise is 4268  
a small business enterprise for the purposes of this section. Each 4269  
enterprise shall also provide annually to the director records or 4270  
evidence regarding the number of jobs created or retained in the 4271  
state. The director shall compile and maintain a register of small 4272  
business enterprises qualifying under this section and shall 4273  
certify the register to the tax commissioner. The director shall 4274  
also compile and maintain a record of the number of jobs created 4275  
or retained as a result of qualifying investments made pursuant to 4276  
this section. 4277

(E) After the conclusion of the applicable holding period for 4278  
a qualifying investment, a person to whom a small business 4279  
investment allocation has been issued under this section shall 4280  
receive a small business investment certification, which entitles 4281  
the person to claim a credit as provided under section 5747.81 of 4282  
the Revised Code. However, no certificate may be issued if the 4283  
director finds that any requirement under this section is not met. 4284

(F) The director of development ~~services~~, in consultation 4285  
with the tax commissioner, may adopt rules for the administration 4286  
of this section, including rules governing the following: 4287

(1) Documents, records, or other information eligible 4288  
investors shall provide to the director; 4289

(2) Any information a small business enterprise shall provide 4290  
for the purposes of this section and section 5747.81 of the 4291  
Revised Code; 4292

(3) Determination of the number of full-time equivalent employees of a small business enterprise;	4293 4294
(4) Verification of a small business enterprise's investment ;	4295 4296
(5) Circumstances under which small business enterprises or eligible investors may be subverting the purposes of this section and section 5747.81 of the Revised Code.	4297 4298 4299
(G) Application fees paid under division (B) of this section shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code.	4300 4301 4302
<b>Sec. 122.87.</b> As used in sections 122.87 to 122.90 of the Revised Code:	4303 4304
(A) "Surety company" means a company that is authorized by the department of insurance to issue bonds as surety.	4305 4306
(B) "Minority business" means any of the following occupations:	4307 4308
(1) Minority construction contractor;	4309
(2) Minority seller;	4310
(3) Minority service vendor.	4311
(C) "Minority construction contractor" means a person who is both a construction contractor and an owner of a minority business enterprise certified under division (B) of section <del>123.151</del> <u>122.921</u> of the Revised Code.	4312 4313 4314 4315
(D) "Minority seller" means a person who is both a seller of goods and an owner of a minority business enterprise listed on the special minority business enterprise bid notification list under section 125.08 of the Revised Code.	4316 4317 4318 4319
(E) "Minority service vendor" means a person who is both a vendor of services and an owner of a minority business enterprise	4320 4321

listed on the special minority business enterprise bid 4322  
notification list under section 125.08 of the Revised Code. 4323

(F) "Minority business enterprise" has the meaning given in 4324  
section 122.71 of the Revised Code. 4325

(G) "EDGE business enterprise" means a sole proprietorship, 4326  
association, partnership, corporation, limited liability 4327  
corporation, or joint venture certified as a participant in the 4328  
encouraging diversity, growth, and equity program by the director 4329  
of administrative services under section ~~123.152~~ 122.922 of the 4330  
Revised Code. 4331

**Sec. 122.89.** (A) The director of development ~~services~~ may 4332  
execute bonds as surety for minority businesses as principals, on 4333  
contracts with the state, any political subdivision or 4334  
instrumentality thereof, or any person as the obligee. The 4335  
director as surety may exercise all the rights and powers of a 4336  
company authorized by the department of insurance to execute bonds 4337  
as surety but shall not be subject to any requirements of a surety 4338  
company under Title XXXIX of the Revised Code nor to any rules of 4339  
the department of insurance. 4340

(B) The director, with the advice of the minority development 4341  
financing advisory board, shall adopt rules under Chapter 119. of 4342  
the Revised Code establishing procedures for application for 4343  
surety bonds by minority businesses and for review and approval of 4344  
applications. The board shall review each application in 4345  
accordance with the rules and, based on the bond worthiness of 4346  
each applicant, shall refer all qualified applicants to the 4347  
director. Based on the recommendation of the board, the director 4348  
shall determine whether or not the applicant shall receive 4349  
bonding. 4350

(C) The rules of the board shall require the minority 4351  
business to pay a premium in advance for the bond to be 4352

established by the director, with the advice of the board after 4353  
the director receives advice from the superintendent of insurance 4354  
regarding the standard market rates for premiums for similar 4355  
bonds. All premiums paid by minority businesses shall be paid into 4356  
the minority business bonding program administrative and loss 4357  
reserve fund. 4358

(D) The rules of the board shall provide for a retainage of 4359  
money paid to the minority business or EDGE business enterprise of 4360  
fifteen per cent for a contract valued at more than fifty thousand 4361  
dollars and for a retainage of twelve per cent for a contract 4362  
valued at fifty thousand dollars or less. 4363

(E) The penal sum amounts of all outstanding bonds issued by 4364  
the director shall not exceed the amount of moneys in the minority 4365  
business bonding fund and available to the fund under division (B) 4366  
of section 169.05 of the Revised Code. 4367

(F) The superintendent of insurance shall provide such 4368  
technical and professional assistance as is considered necessary 4369  
by the director, including providing advice regarding the standard 4370  
market rates for bond premiums as described under division (C) of 4371  
this section. 4372

(G) Notwithstanding any provision of the Revised Code to the 4373  
contrary, a minority business or EDGE business enterprise may bid 4374  
or enter into a contract with the state or with any 4375  
instrumentality of the state without being required to provide a 4376  
bond as follows: 4377

(1) For the first contract that a minority business or EDGE 4378  
business enterprise enters into with the state or with any 4379  
particular instrumentality of the state, the minority business or 4380  
EDGE business enterprise may bid or enter into a contract valued 4381  
at twenty-five thousand dollars or less without being required to 4382  
provide a bond, but only if the minority business or EDGE business 4383

enterprise is participating in a qualified contractor assistance 4384  
program or has successfully completed a qualified contractor 4385  
assistance program after October 16, 2009; 4386

(2) After the state or any particular instrumentality of the 4387  
state has accepted the first contract as completed and all 4388  
subcontractors and suppliers on the contract have been paid, the 4389  
minority business or EDGE business enterprise may bid or enter 4390  
into a second contract with the state or with that particular 4391  
instrumentality of the state valued at fifty thousand dollars or 4392  
less without being required to provide a bond, but only if the 4393  
minority business or EDGE business enterprise is participating in 4394  
a qualified contractor assistance program or has successfully 4395  
completed a qualified contractor assistance program after October 4396  
16, 2009; 4397

(3) After the state or any particular instrumentality of the 4398  
state has accepted the second contract as completed and all 4399  
subcontractors and suppliers on the contract have been paid, the 4400  
minority business or EDGE business enterprise may bid or enter 4401  
into a third contract with the state or with that particular 4402  
instrumentality of the state valued at one hundred thousand 4403  
dollars or less without being required to provide a bond, but only 4404  
if the minority business or EDGE business enterprise has 4405  
successfully completed a qualified contractor assistance program 4406  
after October 16, 2009; 4407

(4) After the state or any particular instrumentality of the 4408  
state has accepted the third contract as completed and all 4409  
subcontractors and suppliers on the contract have been paid, the 4410  
minority business or EDGE business enterprise may bid or enter 4411  
into a fourth contract with the state or with that particular 4412  
instrumentality of the state valued at three hundred thousand 4413  
dollars or less without being required to provide a bond, but only 4414  
if the minority business or EDGE business enterprise has 4415

successfully completed a qualified contractor assistance program 4416  
after October 16, 2009; 4417

(5) After the state or any instrumentality of the state has 4418  
accepted the fourth contract as completed and all subcontractors 4419  
and suppliers on the contract have been paid, upon a showing that 4420  
with respect to a contract valued at four hundred thousand dollars 4421  
or less with the state or with any particular instrumentality of 4422  
the state, that the minority business or EDGE business enterprise 4423  
either has been denied a bond by two surety companies or that the 4424  
minority business or EDGE business enterprise has applied to two 4425  
surety companies for a bond and, at the expiration of sixty days 4426  
after making the application, has neither received nor been denied 4427  
a bond, the minority business or EDGE business enterprise may 4428  
repeat its participation in the unbonded state contractor program. 4429  
Under no circumstances shall a minority business or EDGE business 4430  
enterprise be permitted to participate in the unbonded state 4431  
contractor program more than twice. 4432

(H) Notwithstanding any provision of the Revised Code to the 4433  
contrary, a minority business or EDGE business enterprise may bid 4434  
or enter into a contract with any political subdivision of the 4435  
state or with any instrumentality of a political subdivision 4436  
without being required to provide a bond as follows: 4437

(1) For the first contract that the minority business or EDGE 4438  
business enterprise enters into with any particular political 4439  
subdivision of the state or with any particular instrumentality of 4440  
a political subdivision, the minority business or EDGE business 4441  
enterprise may bid or enter into a contract valued at twenty-five 4442  
thousand dollars or less without being required to provide a bond, 4443  
but only if the minority business or EDGE business enterprise is 4444  
participating in a qualified contractor assistance program or has 4445  
successfully completed a qualified contractor assistance program 4446  
after October 16, 2009; 4447

(2) After any political subdivision of the state or any instrumentality of a political subdivision has accepted the first contract as completed and all subcontractors and suppliers on the contract have been paid, the minority business or EDGE business enterprise may bid or enter into a second contract with that particular political subdivision of the state or with that particular instrumentality of a political subdivision valued at fifty thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business enterprise is participating in a qualified contractor assistance program or has successfully completed a qualified contractor assistance program after October 16, 2009;

(3) After any political subdivision of the state or any instrumentality of a political subdivision has accepted the second contract as completed and all subcontractors and suppliers on the contract have been paid, the minority business or EDGE business enterprise may bid or enter into a third contract with that particular political subdivision of the state or with that particular instrumentality of a political subdivision valued at one hundred thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business enterprise has successfully completed a qualified contractor assistance program after October 16, 2009;

(4) After any political subdivision of the state or any instrumentality of a political subdivision has accepted the third contract as completed and all subcontractors and suppliers on the contract have been paid, the minority business or EDGE business enterprise may bid or enter into a fourth contract with that particular political subdivision of the state or with that particular instrumentality of a political subdivision valued at two hundred thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business

enterprise has successfully completed a qualified contractor 4480  
assistance program after October 16, 2009; 4481

(5) After any political subdivision of the state or any 4482  
instrumentality of a political subdivision has accepted the fourth 4483  
contract as completed and all subcontractors and suppliers on the 4484  
contract have been paid, upon a showing that with respect to a 4485  
contract valued at three hundred thousand dollars or less with any 4486  
political subdivision of the state or any instrumentality of a 4487  
political subdivision, that the minority business or EDGE business 4488  
enterprise either has been denied a bond by two surety companies 4489  
or that the minority business or EDGE business enterprise has 4490  
applied to two surety companies for a bond and, at the expiration 4491  
of sixty days after making the application, has neither received 4492  
nor been denied a bond, the minority business or EDGE business 4493  
enterprise may repeat its participation in the unbonded political 4494  
subdivision contractor program. Under no circumstances shall a 4495  
minority business or EDGE business enterprise be permitted to 4496  
participate in the unbonded political subdivision contractor 4497  
program more than twice. 4498

(I) Notwithstanding any provision of the Revised Code to the 4499  
contrary, if a minority business or EDGE business enterprise has 4500  
entered into two or more contracts with the state or with any 4501  
instrumentality of the state, the minority business or EDGE 4502  
business enterprise may bid or enter into a contract with a 4503  
political subdivision of the state or with any instrumentality of 4504  
a political subdivision valued at the level at which the minority 4505  
business or EDGE business enterprise would qualify if entering 4506  
into an additional contract with the state. 4507

(J) The director of development ~~services~~ shall coordinate and 4508  
oversee the unbonded state contractor program described in 4509  
division (G) of this section, the unbonded political subdivision 4510  
contractor program described in division (H) of this section, and 4511

the approval of a qualified contractor assistance program. The 4512  
director shall prepare an annual report and submit it to the 4513  
governor and the general assembly on or before the first day of 4514  
August that includes the following: information on the director's 4515  
activities for the preceding calendar year regarding the unbonded 4516  
state contractor program, the unbonded political subdivision 4517  
contractor program, and the qualified contractor assistance 4518  
program; a summary and description of the operations and 4519  
activities of these programs; an assessment of the achievements of 4520  
these programs; and a recommendation as to whether these programs 4521  
need to continue. 4522

(K) As used in this section: 4523

(1) "EDGE business enterprise" means an EDGE business 4524  
enterprise certified under section ~~123.152~~ 122.922 of the Revised 4525  
Code. 4526

(2) "Qualified contractor assistance program" means an 4527  
educational program or technical assistance program for business 4528  
development that is designed to assist a minority business or EDGE 4529  
business enterprise in becoming eligible for bonding and has been 4530  
approved by the director of development ~~services~~ for use as 4531  
required under this section. 4532

(3) "Successfully completed a qualified contractor assistance 4533  
program" means the minority business or EDGE business enterprise 4534  
completed such a program on or after October 16, 2009. 4535

(4) "Unbonded state contractor program" means the program 4536  
described in division (G) of this section. 4537

(5) "Unbonded political subdivision contractor program" means 4538  
the program described in division (H) of this section. 4539

**Sec. 122.90.** (A) The director of development may guarantee 4540  
bonds executed by sureties for minority businesses and EDGE 4541

business enterprises certified under section ~~123.152~~ 122.922 of 4542  
the Revised Code as principals on contracts with the state, any 4543  
political subdivision or instrumentality, or any person as the 4544  
obligee. The director, as guarantor, may exercise all the rights 4545  
and powers of a company authorized by the department of insurance 4546  
to guarantee bonds under Chapter 3929. of the Revised Code but 4547  
otherwise is not subject to any laws related to a guaranty company 4548  
under Title XXXIX of the Revised Code nor to any rules of the 4549  
department of insurance. 4550

(B) The director shall adopt rules under Chapter 119. of the 4551  
Revised Code to establish procedures for the application for bond 4552  
guarantees and the review and approval of applications for bond 4553  
guarantees submitted by sureties that execute bonds eligible for 4554  
guarantees under division (A) of this section. 4555

(C) In accordance with rules adopted pursuant to this 4556  
section, the director may guarantee up to ninety per cent of the 4557  
loss incurred and paid by sureties on bonds guaranteed under 4558  
division (A) of this section. 4559

(D) The penal sum amounts of all outstanding guarantees made 4560  
by the director under this section shall not exceed three times 4561  
the difference between the amount of moneys in the minority 4562  
business bonding fund and available to the fund under division (B) 4563  
of section 169.05 of the Revised Code and the amount of all 4564  
outstanding bonds issued by the director in accordance with 4565  
division (A) of section 122.89 of the Revised Code. 4566

(E) The director of development, with controlling board 4567  
approval, may approve one application per fiscal year from each 4568  
surety bond company for bond guarantees in an amount requested to 4569  
support one fiscal year of that company's activity under this 4570  
section. A surety bond company that applies for a bond guarantee 4571  
under this division, whether or not the guarantee is approved, is 4572

not restricted from also applying for individual bond guarantees 4573  
under division (A) of this section. 4574

**Sec. 122.92.** There is hereby created in the department of 4575  
development a minority business development division. The division 4576  
shall do all of the following: 4577

(A) Provide technical, managerial, and counseling services 4578  
and assistance to minority business enterprises; 4579

(B) Provide procurement and bid packaging assistance to 4580  
minority business enterprises; 4581

(C) Provide bonding technical assistance to minority business 4582  
enterprises; 4583

(D) Participate with other state departments and agencies as 4584  
appropriate in developing specific plans and specific program 4585  
goals for programs to assist in the establishment and development 4586  
of minority business enterprises and establish regular performance 4587  
monitoring and reporting systems to ensure that those goals are 4588  
being achieved; 4589

(E) Implement state law and policy supporting minority 4590  
business enterprise development, and assist in the coordination of 4591  
plans, programs, and operations of state government which affect 4592  
or may contribute to the establishment, preservation, and 4593  
strengthening of minority business enterprises; 4594

(F) Assist in the coordination of activities and resources of 4595  
state agencies and local governments, business and trade 4596  
associations, universities, foundations, professional 4597  
organizations, and volunteer and other groups, to promote the 4598  
growth of minority business enterprises; 4599

(G) Establish a center for the development, collection, and 4600  
dissemination of information that will be helpful to persons in 4601  
establishing or expanding minority business enterprises in this 4602

state; 4603

(H) Design, implement, and assist in experimental and 4604  
demonstration projects designed to overcome the special problems 4605  
of minority business enterprises; 4606

(I) Coordinate reviews of all proposed state training and 4607  
technical assistance activities in direct support of minority 4608  
business enterprise programs to ensure consistency with program 4609  
goals and to preclude duplication of efforts by other state 4610  
agencies; 4611

(J) Recommend appropriate legislative or executive actions to 4612  
enhance minority business enterprise opportunities in the state; 4613

(K) Assist minority business enterprises in obtaining 4614  
governmental or commercial financing for business expansion, 4615  
establishment of new businesses, or industrial development 4616  
projects; 4617

(L) Assist minority business enterprises in contract 4618  
procurement from government and commercial sources; 4619

(M) Establish procedures to identify groups who have been 4620  
disadvantaged because of racial, cultural, or ethnic circumstances 4621  
without regard to the individual qualities of the members of the 4622  
group; 4623

(N) Establish procedures to identify persons who have been 4624  
economically disadvantaged; 4625

(O) Provide grant assistance to nonprofit entities that 4626  
promote economic development, development corporations, community 4627  
improvement corporations, and incubator business entities, if the 4628  
entities or corporations focus on business, technical, and 4629  
financial assistance to minority business enterprises to assist 4630  
the enterprises with fixed asset financing; 4631

(P) Implement the minority business enterprise program 4632

described in section 122.921 of the Revised Code, the encouraging 4633  
diversity, growth, and equity program described in section 122.922 4634  
of the Revised Code, the women-owned business enterprise program 4635  
described in section 122.924 of the Revised Code, and the 4636  
veteran-friendly business enterprise program described in section 4637  
122.925 of the Revised Code. 4638

(Q) Do all acts and things necessary or proper to carry out 4639  
the powers expressly granted and duties imposed by sections 122.92 4640  
to 122.94 of the Revised Code. 4641

~~Sec. 123.151.~~ Sec. 122.921. (A) As used in this section, 4642  
"minority business enterprise" has the same meaning as in division 4643  
(E)(1) of section 122.71 of the Revised Code. 4644

(B)(1) The director of ~~administrative services~~ development 4645  
shall make rules in accordance with Chapter 119. of the Revised 4646  
Code establishing procedures by which minority businesses may 4647  
apply to the ~~equal employment opportunity coordinator~~ department 4648  
of development for certification as minority business enterprises. 4649

(2) The ~~coordinator~~ director shall approve the application of 4650  
any minority business enterprise that complies with the rules 4651  
adopted under this division. Any person adversely affected by an 4652  
order of the ~~coordinator~~ director denying certification as a 4653  
minority business enterprise may appeal as provided in Chapter 4654  
119. of the Revised Code. The ~~coordinator~~ director shall prepare 4655  
and maintain a list of certified minority business enterprises. 4656

(C) ~~The department of administrative services, every other~~ 4657  
Every state agency authorized to enter into contracts for 4658  
construction or contracts for purchases of equipment, materials, 4659  
supplies, insurance, or services, and every port authority shall 4660  
file a report every ninety days with the ~~equal employment~~ 4661  
~~opportunity coordinator~~ department of development. The report 4662  
shall be filed at a time and in a form prescribed by the 4663

~~coordinator~~ director of development. The report shall include the 4664  
name of each minority business enterprise that the state agency or 4665  
port authority entered into a contract with during the preceding 4666  
ninety-day period and the total value and type of each such 4667  
contract. No later than thirty days after the end of each fiscal 4668  
year, the ~~coordinator~~director shall notify in writing each state 4669  
agency and port authority that has not complied with the reporting 4670  
requirements of this division for the prior fiscal year. A copy of 4671  
this notification regarding a state agency shall be submitted to 4672  
the director of budget and management. No later than thirty days 4673  
after the notification, the state agency or port authority shall 4674  
submit to the ~~coordinator~~ director the information necessary to 4675  
comply with the reporting requirements of this division. 4676

If, after the expiration of this thirty-day period, a state 4677  
agency has not complied with the reporting requirements of this 4678  
division, the ~~coordinator~~ director of development shall certify to 4679  
the director of budget and management that the state agency has 4680  
not complied with the reporting requirements. A copy of this 4681  
certification shall be submitted to the state agency. Thereafter, 4682  
no funds of the state agency shall be expended during the fiscal 4683  
year for construction or purchases of equipment, materials, 4684  
supplies, contracts of insurance, or services until the 4685  
~~coordinator~~ director of development certifies to the director of 4686  
budget and management that the state agency has complied with the 4687  
reporting requirements of this division for the prior fiscal year. 4688

If any port authority has not complied with the reporting 4689  
requirement after the expiration of the thirty-day period, the 4690  
~~coordinator~~ director of development shall certify to the speaker 4691  
of the house of representatives and the president of the senate 4692  
that the port authority has not complied with the reporting 4693  
requirements of this division. A copy of this certification shall 4694  
be submitted to the port authority. Upon receipt of the 4695

certification, the speaker of the house of representatives and the 4696  
president of the senate shall take such action or make such 4697  
recommendations to the members of the general assembly as they 4698  
consider necessary to correct the situation. 4699

~~Sec. 123.152.~~ Sec. 122.922. (A) As used in this section, 4700  
"EDGE business enterprise" means a sole proprietorship, 4701  
association, partnership, corporation, limited liability 4702  
corporation, or joint venture certified as a participant in the 4703  
encouraging diversity, growth, and equity program by the director 4704  
of ~~administrative services~~ development under this section of the 4705  
Revised Code. 4706

(B) The director of ~~administrative services~~ development shall 4707  
establish a business assistance program known as the encouraging 4708  
diversity, growth, and equity program and shall adopt rules in 4709  
accordance with Chapter 119. of the Revised Code to administer the 4710  
program that do all of the following: 4711

(1) Establish procedures by which a sole proprietorship, 4712  
association, partnership, corporation, limited liability 4713  
corporation, or joint venture may apply for certification as an 4714  
EDGE business enterprise; 4715

(2) Except as provided in division (B)(14) of this section, 4716  
establish agency procurement goals for contracting with EDGE 4717  
business enterprises in the award of contracts under Chapters 4718  
123., 125., and 153. of the Revised Code based on the availability 4719  
of eligible program participants by region or geographic area, as 4720  
determined by the director, and by standard industrial code or 4721  
equivalent code classification. 4722

(a) Goals established under division (B)(2) of this section 4723  
shall be based on a percentage level of participation and a 4724  
percentage of contractor availability. 4725

(b) Goals established under division (B)(2) of this section shall be applied at the contract level, relative to an overall dollar goal for each state agency, in accordance with the following certification categories: construction, architecture, and engineering; professional services; goods and services; and information technology services.

(3) Establish a system of certifying EDGE business enterprises based on a requirement that the business owner or owners show both social and economic disadvantage based on the following, as determined to be sufficient by the director:

(a) Relative wealth of the business seeking certification as well as the personal wealth of the owner or owners of the business;

(b) Social disadvantage based on any of the following:

(i) A rebuttable presumption when the business owner or owners demonstrate membership in a racial minority group or show personal disadvantage due to color, ethnic origin, gender, physical disability, long-term residence in an environment isolated from the mainstream of American society, location in an area of high unemployment;

(ii) Some other demonstration of personal disadvantage not common to other small businesses;

(iii) By business location in a qualified census tract.

(c) Economic disadvantage based on economic and business size thresholds and eligibility criteria designed to stimulate economic development through contract awards to businesses located in qualified census tracts.

(4) Establish standards to determine when an EDGE business enterprise no longer qualifies for EDGE business enterprise certification;

- (5) Develop a process for evaluating and adjusting goals established by this section to determine what adjustments are necessary to achieve participation goals established by the director;
- (6) Establish a point system or comparable system to evaluate bid proposals to encourage EDGE business enterprises to participate in the procurement of professional design and information technology services;
- (7) Establish a system to track data and analyze each certification category established under division (B)(2)(b) of this section;
- (8) Establish a process to mediate complaints and to review EDGE business enterprise certification appeals;
- (9) Implement an outreach program to educate potential participants about the encouraging diversity, growth, and equity program;
- (10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes;
- (11) Implement a system of self-reporting by EDGE business enterprises as well as an on-site inspection process to validate the qualifications of an EDGE business enterprise;
- (12) Establish a waiver mechanism to waive program goals or participation requirements for those companies that, despite their best-documented efforts, are unable to contract with certified EDGE business enterprises;
- (13) Establish a process for monitoring overall program compliance in which equal employment opportunity officers primarily are responsible for monitoring their respective agencies;

(14) Establish guidelines for state universities as defined 4786  
in section 3345.011 of the Revised Code and the Ohio facilities 4787  
construction commission created in section 123.20 of the Revised 4788  
Code for awarding contracts pursuant to Chapters 153., 3318., and 4789  
3345. of the Revised Code to allow the universities and commission 4790  
to establish agency procurement goals for contracting with EDGE 4791  
business enterprises. 4792

(C) Business and personal financial information and trade 4793  
secrets submitted by encouraging diversity, growth, and equity 4794  
program applicants to the director pursuant to this section are 4795  
not public records for purposes of section 149.43 of the Revised 4796  
Code, unless the director presents the financial information or 4797  
trade secrets at a public hearing or public proceeding regarding 4798  
the applicant's eligibility to participate in the program. 4799

~~Sec. 123.153.~~ Sec. 122.923. (A) As used in this section: 4800

(1) "Minority business enterprise" has the same meaning as in 4801  
section ~~123.151~~ 122.921 of the Revised Code. 4802

(2) "EDGE business enterprise" has the same meaning as in 4803  
section ~~123.152~~ 122.922 of the Revised Code. 4804

(3) "Women-owned business enterprise" has the same meaning as 4805  
in section ~~123.154~~ 122.924 of the Revised Code. 4806

"Veteran-friendly business enterprise" has the same meaning 4807  
as in section 122.925 of the Revised Code. 4808

(B) Not later than the first day of October in each year, the 4809  
director of ~~administrative services~~ development shall submit a 4810  
written report to the governor and to each member of the general 4811  
assembly describing the progress made by state agencies in 4812  
advancing the minority business enterprise program, the 4813  
encouraging diversity, growth, and equity program, ~~and~~ the 4814  
women-owned business enterprise program, and the veteran-friendly 4815

business enterprise program. The report shall highlight the 4816  
initiatives implemented to encourage participation of 4817  
minority-owned, socially and economically disadvantaged, ~~and~~ 4818  
women-owned businesses, and veteran-friendly businesses in 4819  
programs funded by state money or federal money received by the 4820  
state. The report shall also include the total number of 4821  
procurement contracts each agency has entered into with certified 4822  
minority business enterprises, EDGE business enterprises, ~~and~~ 4823  
women-owned business enterprises, and veteran-friendly business 4824  
enterprises. 4825

~~Sec. 123.154.~~ Sec. 122.924. (A) As used in this section: 4826

"Women-owned business enterprise" means any individual, 4827  
partnership, corporation, or joint venture of any kind that is 4828  
owned and controlled by women who are United States citizens and 4829  
residents of this state or of a reciprocal state. 4830

"Owned and controlled" means that at least fifty-one per cent 4831  
of the business, including corporate stock if it is a corporation, 4832  
is owned by women and that such owners have control over the 4833  
day-to-day operations of the business and an interest in the 4834  
capital, assets, and profits and losses of the business 4835  
proportionate to their percentage of ownership. In order to 4836  
qualify as a women-owned business, a business shall have been 4837  
owned by such owners at least one year. 4838

(B) The director of ~~administrative services~~development shall 4839  
establish a business assistance program known as the women-owned 4840  
business enterprise program and shall adopt rules in accordance 4841  
with Chapter 119. of the Revised Code to administer the program 4842  
that do all of the following: 4843

(1) Establish procedures by which a business enterprise may 4844  
apply for certification as a women-owned business enterprise; 4845

(2) Establish standards to determine when a women-owned business enterprise no longer qualifies for women-owned business enterprise certification;	4846 4847 4848
(3) Establish a system to make publicly available a list of women-owned business enterprises certified under this section;	4849 4850
(4) Establish a process to mediate complaints and to review women-owned business enterprise certification appeals;	4851 4852
(5) Implement an outreach program to educate potential participants about the women-owned business enterprise program;	4853 4854
(6) Establish a system to assist state agencies in identifying and utilizing women-owned business enterprises in their contracting processes;	4855 4856 4857
(7) Implement a system of self-reporting by women-owned business enterprises as well as an on-site inspection process to validate the qualifications of women-owned business enterprises.	4858 4859 4860
(C) Business and personal financial information and trade secrets submitted by women-owned business enterprise applicants to the director pursuant to this section are not public records for purposes of section 149.43 of the Revised Code, unless the director presents the financial information or trade secrets at a public hearing or public proceeding regarding the applicant's eligibility to participate in the program.	4861 4862 4863 4864 4865 4866 4867
(D) The director of <del>administrative services</del> <u>development</u> , upon approval of the attorney general, may enter into a reciprocal agreement with the appropriate officials of one or more states, when the other state has a business assistance program or programs substantially similar to the women-owned business enterprise program of this state. The agreement shall provide that a business certified by the other state as a women-owned business enterprise, which is owned and controlled by a resident or residents of that other state, shall be considered a women-owned business enterprise	4868 4869 4870 4871 4872 4873 4874 4875 4876

in this state under this section. The agreement shall provide that 4877  
a women-owned business enterprise certified under this section, 4878  
which is owned and controlled by a resident or residents of this 4879  
state, shall be considered certified in the other state and 4880  
eligible for programs of that state that provide an advantage or 4881  
benefit to such businesses. 4882

~~Sec. 9.318.~~ Sec. 122.925. (A) As used in this section: 4883

"Armed forces" means the armed forces of the United States, 4884  
including the army, navy, air force, marine corps, coast guard, or 4885  
any reserve component of those forces; the national guard of any 4886  
state; the commissioned corps of the United States public health 4887  
service; the merchant marine service during wartime; such other 4888  
service as may be designated by congress; and the Ohio organized 4889  
militia when engaged in full-time national guard duty for a period 4890  
of more than thirty days. 4891

"State agency" has the meaning defined in section 1.60 of the 4892  
Revised Code. 4893

"Veteran" means any person who has completed service in the 4894  
armed forces, including the national guard of any state, or a 4895  
reserve component of the armed forces, who has been honorably 4896  
discharged or discharged under honorable conditions from the armed 4897  
forces or who has been transferred to the reserve with evidence of 4898  
satisfactory service. 4899

"Veteran-friendly business enterprise" means a sole 4900  
proprietorship, association, partnership, corporation, limited 4901  
liability company, or joint venture that meets veteran employment 4902  
standards established by the director of ~~administrative~~ 4903  
~~services~~development and the director of transportation under this 4904  
section. 4905

(B) The director of ~~administrative services~~development and 4906

the director of transportation shall establish and maintain the 4907  
veteran-friendly business procurement program. The director of 4908  
~~administrative services~~development shall adopt rules to administer 4909  
the program for all state agencies except the department of 4910  
transportation, and the director of transportation shall adopt 4911  
rules to administer the program for the department of 4912  
transportation. The rules shall be adopted under Chapter 119. of 4913  
the Revised Code. The rules, as adopted separately by but with the 4914  
greatest degree of consistency possible between the two directors, 4915  
shall do all of the following: 4916

(1) Establish criteria, based on the percentage of an 4917  
applicant's employees who are veterans, that qualifies an 4918  
applicant for certification as a veteran-friendly business 4919  
enterprise; 4920

(2) Establish procedures by which a sole proprietorship, 4921  
association, partnership, corporation, limited liability company, 4922  
or joint venture may apply for certification as a veteran-friendly 4923  
business enterprise; 4924

(3) Establish procedures for certifying a sole 4925  
proprietorship, association, partnership, corporation, limited 4926  
liability company, or joint venture as a veteran-friendly business 4927  
enterprise; 4928

(4) Establish standards for determining when a 4929  
veteran-friendly business enterprise no longer qualifies for 4930  
certification as a veteran-friendly business enterprise; 4931

(5) Establish procedures, to be used by state agencies or the 4932  
department of transportation, for the evaluation and ranking of 4933  
proposals, which provide preference or bonus points to each 4934  
certified veteran-friendly business enterprise that submits a bid 4935  
or other proposal for a contract with the state or an agency of 4936  
the state other than the department of transportation, or with the 4937

department of transportation, for the rendering of services, or 4938  
the supplying of materials, or for the construction, demolition, 4939  
alteration, repair, or reconstruction of any public building, 4940  
structure, highway, or other improvement; 4941

(6) Implement an outreach program to educate potential 4942  
participants about the veteran-friendly business procurement 4943  
program; and 4944

(7) Establish a process for monitoring overall performance of 4945  
the veteran-friendly business procurement program. 4946

**Sec. 123.01.** (A) The department of administrative services, 4947  
in addition to those powers enumerated in Chapters 124. and 125. 4948  
of the Revised Code and provided elsewhere by law, shall exercise 4949  
the following powers: 4950

(1) To prepare and suggest comprehensive plans for the 4951  
development of grounds and buildings under the control of a state 4952  
agency; 4953

(2) To acquire, by purchase, gift, devise, lease, or grant, 4954  
all real estate required by a state agency, in the exercise of 4955  
which power the department may exercise the power of eminent 4956  
domain, in the manner provided by sections 163.01 to 163.22 of the 4957  
Revised Code; 4958

(3) To erect, supervise, and maintain all public monuments 4959  
and memorials erected by the state, except where the supervision 4960  
and maintenance is otherwise provided by law; 4961

(4) To procure, by lease, storage accommodations for a state 4962  
agency; 4963

(5) To lease or grant easements or licenses for unproductive 4964  
and unused lands or other property under the control of a state 4965  
agency. Such leases, easements, or licenses may be granted to any 4966  
person or entity, shall be for a period not to exceed fifteen 4967

years, unless a longer period is authorized by division (A)(5) of 4968  
this section, and shall be executed for the state by the director 4969  
of administrative services, ~~provided that the~~. The director shall 4970  
grant leases, easements, or licenses of university land for 4971  
periods not to exceed twenty-five years for purposes approved by 4972  
the respective university's board of trustees wherein the uses are 4973  
compatible with the uses and needs of the university and may grant 4974  
leases of university land for periods not to exceed forty years 4975  
for purposes approved by the respective university's board of 4976  
trustees pursuant to section 123.17 of the Revised Code. The 4977  
director may grant perpetual easements to public utilities, as 4978  
defined in section 4905.02 of the Revised Code or described in 4979  
section 4905.03 of the Revised Code. 4980

(6) To lease space for the use of a state agency; 4981

(7) To have general supervision and care of the storerooms, 4982  
offices, and buildings leased for the use of a state agency; 4983

(8) To exercise general custodial care of all real property 4984  
of the state; 4985

(9) To assign and group together state offices in any city in 4986  
the state and to establish, in cooperation with the state agencies 4987  
involved, rules governing space requirements for office or storage 4988  
use; 4989

(10) To lease for a period not to exceed forty years, 4990  
pursuant to a contract providing for the construction thereof 4991  
under a lease-purchase plan, buildings, structures, and other 4992  
improvements for any public purpose, and, in conjunction 4993  
therewith, to grant leases, easements, or licenses for lands under 4994  
the control of a state agency for a period not to exceed forty 4995  
years. The lease-purchase plan shall provide that at the end of 4996  
the lease period, the buildings, structures, and related 4997  
improvements, together with the land on which they are situated, 4998

shall become the property of the state without cost. 4999

(a) Whenever any building, structure, or other improvement is 5000  
to be so leased by a state agency, the department shall retain 5001  
either basic plans, specifications, bills of materials, and 5002  
estimates of cost with sufficient detail to afford bidders all 5003  
needed information or, alternatively, all of the following plans, 5004  
details, bills of materials, and specifications: 5005

(i) Full and accurate plans suitable for the use of mechanics 5006  
and other builders in the improvement; 5007

(ii) Details to scale and full sized, so drawn and 5008  
represented as to be easily understood; 5009

(iii) Accurate bills showing the exact quantity of different 5010  
kinds of material necessary to the construction; 5011

(iv) Definite and complete specifications of the work to be 5012  
performed, together with such directions as will enable a 5013  
competent mechanic or other builder to carry them out and afford 5014  
bidders all needed information; 5015

(v) A full and accurate estimate of each item of expense and 5016  
of the aggregate cost thereof. 5017

(b) The department shall give public notice, in such 5018  
newspaper, in such form, and with such phraseology as the director 5019  
of administrative services prescribes, published once each week 5020  
for four consecutive weeks, of the time when and place where bids 5021  
will be received for entering into an agreement to lease to a 5022  
state agency a building, structure, or other improvement. The last 5023  
publication shall be at least eight days preceding the day for 5024  
opening the bids. The bids shall contain the terms upon which the 5025  
builder would propose to lease the building, structure, or other 5026  
improvement to the state agency. The form of the bid approved by 5027  
the department shall be used, and a bid is invalid and shall not 5028  
be considered unless that form is used without change, alteration, 5029

or addition. Before submitting bids pursuant to this section, any 5030  
builder shall comply with Chapter 153. of the Revised Code. 5031

(c) On the day and at the place named for receiving bids for 5032  
entering into lease agreements with a state agency, the director 5033  
of administrative services shall open the bids and shall publicly 5034  
proceed immediately to tabulate the bids upon duplicate sheets. No 5035  
lease agreement shall be entered into until the bureau of workers' 5036  
compensation has certified that the person to be awarded the lease 5037  
agreement has complied with Chapter 4123. of the Revised Code, 5038  
until, if the builder submitting the lowest and best bid is a 5039  
foreign corporation, the secretary of state has certified that the 5040  
corporation is authorized to do business in this state, until, if 5041  
the builder submitting the lowest and best bid is a person 5042  
nonresident of this state, the person has filed with the secretary 5043  
of state a power of attorney designating the secretary of state as 5044  
its agent for the purpose of accepting service of summons in any 5045  
action brought under Chapter 4123. of the Revised Code, and until 5046  
the agreement is submitted to the attorney general and the 5047  
attorney general's approval is certified thereon. Within thirty 5048  
days after the day on which the bids are received, the department 5049  
shall investigate the bids received and shall determine that the 5050  
bureau and the secretary of state have made the certifications 5051  
required by this section of the builder who has submitted the 5052  
lowest and best bid. Within ten days of the completion of the 5053  
investigation of the bids, the department shall award the lease 5054  
agreement to the builder who has submitted the lowest and best bid 5055  
and who has been certified by the bureau and secretary of state as 5056  
required by this section. If bidding for the lease agreement has 5057  
been conducted upon the basis of basic plans, specifications, 5058  
bills of materials, and estimates of costs, upon the award to the 5059  
builder the department, or the builder with the approval of the 5060  
department, shall appoint an architect or engineer licensed in 5061  
this state to prepare such further detailed plans, specifications, 5062

and bills of materials as are required to construct the building, 5063  
structure, or improvement. The department shall adopt such rules 5064  
as are necessary to give effect to this section. The department 5065  
may reject any bid. Where there is reason to believe there is 5066  
collusion or combination among bidders, the bids of those 5067  
concerned therein shall be rejected. 5068

(11) To acquire by purchase, gift, devise, or grant and to 5069  
transfer, lease, or otherwise dispose of all real property 5070  
required to assist in the development of a conversion facility as 5071  
defined in section 5709.30 of the Revised Code as that section 5072  
existed before its repeal by Amended Substitute House Bill 95 of 5073  
the 125th general assembly; 5074

(12) To lease for a period not to exceed forty years, 5075  
notwithstanding any other division of this section, the 5076  
state-owned property located at 408-450 East Town Street, 5077  
Columbus, Ohio, formerly the state school for the deaf, to a 5078  
developer in accordance with this section. "Developer," as used in 5079  
this section, has the same meaning as in section 123.77 of the 5080  
Revised Code. 5081

Such a lease shall be for the purpose of development of the 5082  
land for use by senior citizens by constructing, altering, 5083  
renovating, repairing, expanding, and improving the site as it 5084  
existed on June 25, 1982. A developer desiring to lease the land 5085  
shall prepare for submission to the department a plan for 5086  
development. Plans shall include provisions for roads, sewers, 5087  
water lines, waste disposal, water supply, and similar matters to 5088  
meet the requirements of state and local laws. The plans shall 5089  
also include provision for protection of the property by insurance 5090  
or otherwise, and plans for financing the development, and shall 5091  
set forth details of the developer's financial responsibility. 5092

The department may employ, as employees or consultants, 5093  
persons needed to assist in reviewing the development plans. Those 5094

persons may include attorneys, financial experts, engineers, and 5095  
other necessary experts. The department shall review the 5096  
development plans and may enter into a lease if it finds all of 5097  
the following: 5098

(a) The best interests of the state will be promoted by 5099  
entering into a lease with the developer; 5100

(b) The development plans are satisfactory; 5101

(c) The developer has established the developer's financial 5102  
responsibility and satisfactory plans for financing the 5103  
development. 5104

The lease shall contain a provision that construction or 5105  
renovation of the buildings, roads, structures, and other 5106  
necessary facilities shall begin within one year after the date of 5107  
the lease and shall proceed according to a schedule agreed to 5108  
between the department and the developer or the lease will be 5109  
terminated. The lease shall contain such conditions and 5110  
stipulations as the director considers necessary to preserve the 5111  
best interest of the state. Moneys received by the state pursuant 5112  
to this lease shall be paid into the general revenue fund. The 5113  
lease shall provide that at the end of the lease period the 5114  
buildings, structures, and related improvements shall become the 5115  
property of the state without cost. 5116

(13) To manage the use of space owned and controlled by the 5117  
department by doing all of the following: 5118

(a) Biennially implementing, by state agency location, a 5119  
census of agency employees assigned space; 5120

(b) Periodically in the discretion of the director of 5121  
administrative services: 5122

(i) Requiring each state agency to categorize the use of 5123  
space allotted to the agency between office space, common areas, 5124

storage space, and other uses, and to report its findings to the department; 5125  
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(ii) Creating and updating a master space utilization plan for all space allotted to state agencies. The plan shall incorporate space utilization metrics. 5127  
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(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings; 5130  
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(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus. 5132  
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(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility. 5134  
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(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code. 5138  
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(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following: 5149  
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(a) Identifying available energy efficiency and conservation opportunities; 5151  
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(b) Providing for interchange of information among purchasing agencies; 5153  
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(c) Identifying laws, policies, rules, and procedures that should be modified; 5155  
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(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government; 5157  
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(e) Providing technical assistance and training to state employees involved in the purchasing process; 5162  
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(f) Working with the department of development services ~~agency~~ to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation. 5164  
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(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the fiscal year, in accordance with the average fuel economy standards established by federal law for passenger automobiles manufactured during the model year that begins during the fiscal year. 5168  
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Each state agency, department, division, bureau, office, unit, commission, board, authority, quasi-governmental entity, institution, and state institution of higher education shall determine its fleet average fuel economy by dividing the total number of passenger vehicles acquired during the fiscal year, 5181  
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except for those passenger vehicles acquired for use in law enforcement or emergency rescue work, by a sum of terms, each of which is a fraction created by dividing the number of passenger vehicles of a given make, model, and year, except for passenger vehicles acquired for use in law enforcement or emergency rescue work, acquired during the fiscal year by the fuel economy measured by the administrator of the United States environmental protection agency, for the given make, model, and year of vehicle, that constitutes an average fuel economy for combined city and highway driving.

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

(17) To correct legal descriptions or title defects, or release fractional interests in real property, as necessary to cure title clouds reflected in public records, including those resulting from boundary disputes, ingress or egress issues, title transfers precipitated through retirement of bond requirements, and the retention of fractional interests in real estate otherwise disposed of in previous title transfers.

(18) To, with controlling board approval, sell, transfer, or otherwise dispose of all right, title, and interest in any state-owned real property having a fair market value that is less than one million dollars at the time of disposition.

(a) Fair market value of property proposed for disposition pursuant to division (A)(18) of this section shall be established by using best management or other relevant practices through a method considered reasonable, applicable, and appropriate by the director of administrative services.

(b) Notwithstanding any provision of law to the contrary, net proceeds from any disposition of real property made pursuant to

division (A)(18) of this section shall, at the direction of the 5217  
director of budget and management, be credited to a fund or funds 5218  
in the state treasury, or to accounts held by a state institution 5219  
of higher education for purposes to be determined by the 5220  
institution. 5221

(B) This section and section 125.02 of the Revised Code shall 5222  
not interfere with any of the following: 5223

(1) The power of the adjutant general to purchase military 5224  
supplies, or with the custody of the adjutant general of property 5225  
leased, purchased, or constructed by the state and used for 5226  
military purposes, or with the functions of the adjutant general 5227  
as director of state armories; 5228

(2) The power of the director of transportation in acquiring 5229  
rights-of-way for the state highway system, or the leasing of 5230  
lands for division or resident district offices, or the leasing of 5231  
lands or buildings required in the maintenance operations of the 5232  
department of transportation, or the purchase of real property for 5233  
garage sites or division or resident district offices, or in 5234  
preparing plans and specifications for and constructing such 5235  
buildings as the director may require in the administration of the 5236  
department; 5237

(3) The power of the director of public safety and the 5238  
registrar of motor vehicles to purchase or lease real property and 5239  
buildings to be used solely as locations to which a deputy 5240  
registrar is assigned pursuant to division (B) of section 4507.011 5241  
of the Revised Code and from which the deputy registrar is to 5242  
conduct the deputy registrar's business, the power of the director 5243  
of public safety to purchase or lease real property and buildings 5244  
to be used as locations for division or district offices as 5245  
required in the maintenance of operations of the department of 5246  
public safety, and the power of the superintendent of the state 5247  
highway patrol in the purchase or leasing of real property and 5248

buildings needed by the patrol, to negotiate the sale of real 5249  
property owned by the patrol, to rent or lease real property owned 5250  
or leased by the patrol, and to make or cause to be made repairs 5251  
to all property owned or under the control of the patrol; 5252

(4) The power of the division of liquor control in the 5253  
leasing or purchasing of retail outlets and warehouse facilities 5254  
for the use of the division; 5255

(5) The power of the director of development ~~services~~ to 5256  
enter into leases of real property, buildings, and office space to 5257  
be used solely as locations for the state's foreign offices to 5258  
carry out the purposes of section 122.05 of the Revised Code; 5259

(6) The power of the director of environmental protection to 5260  
enter into environmental covenants, to grant and accept easements, 5261  
or to sell property pursuant to division (G) of section 3745.01 of 5262  
the Revised Code; 5263

(7) The power of the department of public safety under 5264  
section 5502.01 of the Revised Code to direct security measures 5265  
and operations for the Vern Riffe center and the James A. Rhodes 5266  
state office tower. The department of administrative services 5267  
shall implement all security measures and operations at the Vern 5268  
Riffe center and the James A. Rhodes state office tower as 5269  
directed by the department of public safety. 5270

(C) Purchases for, and the custody and repair of, buildings 5271  
under the management and control of the capitol square review and 5272  
advisory board, the opportunities for Ohioans with disabilities 5273  
agency, the bureau of workers' compensation, or the departments of 5274  
public safety, job and family services, mental health and 5275  
addiction services, developmental disabilities, and rehabilitation 5276  
and correction; buildings of educational and benevolent 5277  
institutions under the management and control of boards of 5278  
trustees; and purchases or leases for, and the custody and repair 5279

of, office space used for the purposes of any agency of the 5280  
legislative branch of state government are not subject to the 5281  
control and jurisdiction of the department of administrative 5282  
services. 5283

An agency of the legislative branch of state government that 5284  
uses office space in a building under the management and control 5285  
of the department of administrative services may exercise the 5286  
agency's authority to improve the agency's office space as 5287  
authorized under this division only if, upon review, the 5288  
department of administrative services concludes the proposed 5289  
improvements do not adversely impact the structural integrity of 5290  
the building. 5291

If an agency of the legislative branch of state government, 5292  
except the capitol square review and advisory board, so requests, 5293  
the agency and the director of administrative services may enter 5294  
into a contract under which the department of administrative 5295  
services agrees to perform any services requested by the agency 5296  
that the department is authorized under this section to perform. 5297  
In performing such services, the department shall not use 5298  
competitive selection. As used in this division, "competitive 5299  
selection" has the meaning defined in section 125.01 of the 5300  
Revised Code and includes any other type of competitive process 5301  
for the selection of persons producing or dealing in the services 5302  
to be provided. 5303

(D) Any instrument by which real property is acquired 5304  
pursuant to this section shall identify the agency of the state 5305  
that has the use and benefit of the real property as specified in 5306  
section 5301.012 of the Revised Code. 5307

**Sec. 123.02.** The director of administrative services shall be 5308  
appointed superintendent of public works and shall have the care 5309  
and control of the public works of the state and shall protect, 5310

maintain, and keep them in repair. 5311

Subject to the approval of the governor, the director may 5312  
purchase on behalf of the state such real or personal property, 5313  
rights, or privileges as are necessary, in the director's 5314  
judgment, to acquire in the maintenance of the public works or 5315  
their improvement. 5316

The document that evidences the vesting of any right, title, 5317  
or interest in real property, other than public lands, belonging 5318  
to or used by the state shall be recorded in the office of the 5319  
county recorder of the county in which the property is situated. 5320  
When recorded, such document and related papers shall be deposited 5321  
with the director of administrative services and kept in the 5322  
director of administrative services' office, except that evidence 5323  
of title to highway rights-of-way shall be deposited with the 5324  
director of transportation and kept in the director of 5325  
transportation's office. The director of administrative services 5326  
shall register the document, except title to highway 5327  
rights-of-way, in a record system prepared for that purpose and 5328  
open for inspection by all persons interested. 5329

Any instrument by which the state or an agency of the state 5330  
acquires real property pursuant to this section shall identify the 5331  
agency of the state that has the use and benefit of the real 5332  
property as specified in section 5301.012 of the Revised Code. 5333

**Sec. 124.136.** (A) As used in this section: 5334

(1) "Fetal death" has the same meaning as in section 3705.01 5335  
of the Revised Code. 5336

(2) "Stillborn" means that an infant of at least twenty weeks 5337  
of gestation suffered a fetal death. 5338

(B)(1) Each permanent full-time and permanent part-time 5339  
employee paid in accordance with section 124.152 of the Revised 5340

Code and each employee listed in division (B)(2), ~~(3)~~, or (4) of 5341  
section 124.14 of the Revised Code who works thirty or more hours 5342  
per week, and who meets the requirement of division ~~(A)(2)~~ 5343  
(B)(2)(a) of this section is eligible, upon the birth, stillbirth, 5344  
or adoption of a child, for a parental leave of absence and 5345  
parental leave benefits under this section. Parental leave of 5346  
absence shall begin on the day of the birth of a child, on the day 5347  
of the delivery of a stillborn child, or on the day on which 5348  
custody of a child is taken for adoption placement by the 5349  
prospective parents. 5350

(2)(a) To be eligible for leave and benefits under this 5351  
section, an employee must be a one of the following: 5352

(i) A parent, as listed on the birth certificate, of a newly 5353  
born child ~~or the;~~ 5354

(ii) A parent, as listed on the fetal death certificate, of a 5355  
stillborn child; 5356

(iii) A legal guardian of and reside in the same household as 5357  
a newly adopted child. 5358

(b) Employees may elect to receive ~~two~~ five thousand dollars 5359  
for adoption expenses in lieu of receiving the paid leave benefit 5360  
provided under this section. Such payment may be requested upon 5361  
placement of the child in the employee's home. If the child is 5362  
already residing in the home, payment may be requested at the time 5363  
the adoption is approved. 5364

(3) The average number of regular hours worked, which shall 5365  
include all hours of holiday pay and other types of paid leave, 5366  
during the three-month period immediately preceding the day 5367  
parental leave of absence begins shall be used to determine 5368  
eligibility and benefits under this section for part-time 5369  
employees, but such benefits shall not exceed forty hours per 5370  
week. If an employee has not worked for a three-month period, the 5371

number of hours for which the employee has been scheduled to work 5372  
per week during the employee's period of employment shall be used 5373  
to determine eligibility and benefits under this section. 5374

~~(B)~~(C) Parental leave granted under this section shall not 5375  
exceed six continuous weeks, which shall include four weeks or one 5376  
hundred sixty hours of paid leave for permanent full-time 5377  
employees and a prorated number of hours of paid leave for 5378  
permanent part-time employees. All employees granted parental 5379  
leave shall serve a waiting period of fourteen days that begins on 5380  
the day parental leave begins and during which they shall not 5381  
receive paid leave under this section. Employees may choose to 5382  
work during the waiting period. During the remaining four weeks of 5383  
the leave period, employees shall receive paid leave equal to 5384  
seventy per cent of their base rate of pay. All of the following 5385  
apply to employees granted parental leave: 5386

(1) They remain eligible to receive all employer-paid 5387  
benefits and continue to accrue all other forms of paid leave as 5388  
if they were in active pay status. 5389

(2) They are ineligible to receive overtime pay, and no 5390  
portion of their parental leave shall be included in calculating 5391  
their overtime pay. 5392

(3) They are ineligible to receive holiday pay. A holiday 5393  
occurring during the leave period shall be counted as one day of 5394  
parental leave and be paid as such. 5395

~~(C)~~(D) Employees receiving parental leave may utilize 5396  
available sick leave, personal leave, vacation leave, or 5397  
compensatory time balances in order to be paid during the 5398  
fourteen-day waiting period and to supplement the seventy per cent 5399  
of their base rate of pay received during the remaining part of 5400  
their parental leave period, in an amount sufficient to give them 5401  
up to one hundred per cent of their pay for time on parental 5402

leave. 5403

Use of parental leave does not affect an employee's 5404  
eligibility for other forms of paid leave granted under this 5405  
chapter and does not prohibit an employee from taking leave under 5406  
the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 5407  
U.S.C.A. 2601, except that parental leave shall be included in any 5408  
leave time provided under that act. 5409

~~(D)~~(E) Employees receiving disability leave benefits under 5410  
section 124.385 of the Revised Code prior to becoming eligible for 5411  
parental leave shall continue to receive disability leave benefits 5412  
for the duration of their disabling condition or as otherwise 5413  
provided under the disability leave benefits program. If an 5414  
employee is receiving disability leave benefits because of 5415  
pregnancy and these benefits expire prior to the expiration date 5416  
of any benefits the employee would have been entitled to receive 5417  
under this section, the employee shall receive parental leave for 5418  
such additional time without being required to serve an additional 5419  
waiting period. 5420

**Sec. 124.1312.** (A) As used in this section: 5421

(1) "Foster caregiver" has the same meaning as in section 5422  
5103.02 of the Revised Code. 5423

(2) "Kinship caregiver" has the same meaning as in section 5424  
5101.85 of the Revised Code. 5425

(B) Each permanent full-time and permanent part-time employee 5426  
paid in accordance with section 124.152 of the Revised Code and 5427  
each employee listed in division (B)(2), (3), or (4) of section 5428  
124.14 of the Revised Code who works thirty or more hours per 5429  
week, and who is a foster caregiver or kinship caregiver is 5430  
eligible, on placement of a child in the employee's home, to a 5431  
maximum of five days of caregiver leave with full pay in a 5432

calendar year. Caregiver leave begins on the day on which the 5433  
child is placed with the prospective foster caregiver or kinship 5434  
caregiver. 5435

(C) The average number of regular hours worked, which shall 5436  
include all hours of holiday pay and other types of paid leave, 5437  
during the three-month period immediately preceding the day 5438  
caregiver leave begins shall be used to determine eligibility for 5439  
leave under this section for part-time employees. If an employee 5440  
has not worked for a three-month period, the number of hours for 5441  
which the employee has been scheduled to work per week during the 5442  
employee's period of employment shall be used to determine 5443  
eligibility for leave under this section. 5444

(D) Use of caregiver leave does not affect an employee's 5445  
eligibility for other forms of paid leave granted under this 5446  
chapter and does not prohibit an employee from taking leave under 5447  
the "Family and Medical Leave Act of 1993," 29 U.S.C. 2601, except 5448  
that caregiver leave shall be included in any leave time provided 5449  
under that act. 5450

(E) The director of administrative services may adopt rules 5451  
in accordance with Chapter 119. of the Revised Code governing 5452  
caregiver leave established under this section. 5453

**Sec. 125.02.** (A) The department of administrative services 5454  
shall establish contracts for supplies and services, including 5455  
telephone, other telecommunications, and computer services, for 5456  
the use of state agencies, and may establish such contracts for 5457  
the use of any political subdivision as described in division (B) 5458  
of section 125.04 of the Revised Code, except for the following: 5459

- (1) The adjutant general for military supplies and services; 5460
- (2) The general assembly; 5461
- (3) The judicial branch; 5462

(4) State institutions of higher education;	5463
(5) State elected officials as set forth in section 125.041 of the Revised Code;	5464 5465
(6) The capitol square review and advisory board.	5466
The entities set forth in divisions (A)(1) to (6) of this section may request the department of administrative services' assistance in the procurement of supplies and services for their respective offices and, upon the department's approval, may participate in contracts awarded by the department.	5467 5468 5469 5470 5471
(B) For purchases under division (C) of section 125.05 of the Revised Code, the department shall grant a state agency a release and permit to make the purchase if the department determines that it is not possible or advantageous for the department to make a purchase.	5472 5473 5474 5475 5476
(C) Upon request, the department may grant a blanket release and permit to a state agency for specific purchases. The department may grant the blanket release and permit for a fiscal year or for a biennium as determined by the director of administrative services.	5477 5478 5479 5480 5481
(D) The director of administrative services shall adopt rules regarding circumstances and criteria for obtaining a release and permit under this section. The director of administrative services shall prescribe uniform rules governing forms of specifications, advertisements for proposals, the opening of bids, the making of awards and contracts, and the purchase of supplies and performance of work.	5482 5483 5484 5485 5486 5487 5488
(E) The director may <del>enter into</del> <u>participate in</u> cooperative purchasing <del>agreements to purchase supplies or services</del> with the following:	5489 5490 5491
(1) The entities set forth in divisions (A)(1) to <del>(5)</del> <u>(6)</u> of	5492

this section;	5493
(2) One or more other states;	5494
(3) Groups of states;	5495
(4) The United States or any department, division, or agency of the United States;	5496 5497
(5) Other purchasing consortia;	5498
(6) The department of transportation; or	5499
(7) Any political subdivision of this state described in division (B) of section 125.04 of the Revised Code.	5500 5501
(F) The United States or any department, division, or agency of the United States, one or more other states, groups of states, other purchasing consortia, or any agency, commission, or authority established under an interstate compact or agreement may purchase supplies and services from contracts established by the department of administrative services.	5502 5503 5504 5505 5506 5507
(G) Except as provided in section 125.04 of the Revised Code, the department of administrative services shall purchase any policy of insurance, including a surety or fidelity bond, covering officers or employees of a state agency, for which the annual premium is more than one thousand dollars and which the state may procure. The department shall purchase the insurance in conformity with sections 125.04 to 125.15 of the Revised Code. As used in this division, "annual premium" means the total premium for one year for one type of insurance regardless of the number of policies.	5508 5509 5510 5511 5512 5513 5514 5515 5516 5517
<b>Sec. 125.04.</b> (A) Except for the requirements of division (B) of this section, section 125.092, and division (B) of section 125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 to 125.15 of the Revised Code do not apply to or affect state institutions of higher education.	5518 5519 5520 5521 5522

(B)(1) As used in this division:	5523
(a) "Chartered nonpublic school" has the same meaning as in section 3310.01 of the Revised Code.	5524 5525
(b) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.	5526 5527
(c) "Governmental agency" means a political subdivision or special district in this state <u>or any other state</u> established by or under law, or any combination of these entities; the United States or any department, division, or agency of the United States; one or more other states or groups of states; other purchasing consortia; and any agency, commission, or authority established under an interstate compact or agreement.	5528 5529 5530 5531 5532 5533 5534
(d) "Political subdivision" means any county, township, municipal corporation, school district, conservancy district, township park district, park district created under Chapter 1545. of the Revised Code, regional transit authority, regional airport authority, regional water and sewer district, or port authority. "Political subdivision" also includes any other political subdivision described in the Revised Code that has been approved by the department of administrative services to participate in the department's contracts under this division.	5535 5536 5537 5538 5539 5540 5541 5542 5543
(e) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.	5544 5545
(f) "State institution of higher education" has the meaning defined in section 3345.011 of the Revised Code.	5546 5547
(2) Subject to division (C) of this section, the department of administrative services may permit a state institution of higher education, governmental agency, political subdivision, <del>county board of elections</del> , private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school to participate in contracts into which the	5548 5549 5550 5551 5552 5553

department has entered for the purchase of supplies and services. 5554  
The department may charge the entity a reasonable fee to cover the 5555  
administrative costs the department incurs as a result of 5556  
participation by the entity in such a purchase contract. 5557

A political subdivision desiring to participate in such 5558  
purchase contracts shall file with the department a certified copy 5559  
of an ordinance or resolution of the legislative authority or 5560  
governing board of the political subdivision. The resolution or 5561  
ordinance shall request that the political subdivision be 5562  
authorized to participate in such contracts and shall agree that 5563  
the political subdivision will be bound by such terms and 5564  
conditions as the department prescribes and that it will directly 5565  
pay the vendor under each purchase contract. ~~A board of elections 5566  
desiring to participate in such purchase contracts shall file with 5567  
the purchasing authority a written request for inclusion in the 5568  
program.~~ A private fire company, private, nonprofit emergency 5569  
medical service organization, or chartered nonpublic school 5570  
desiring to participate in such purchase contracts shall file with 5571  
the department a written request for inclusion in the program 5572  
signed by the chief officer of the company, organization, or 5573  
chartered nonpublic school. A governmental agency desiring to 5574  
participate in such purchase contracts shall file with the 5575  
department a written request for inclusion in the program. A state 5576  
institution of higher education desiring to participate in such 5577  
purchase contracts shall file with the department a certified copy 5578  
of resolution of the board of trustees or similar authorizing 5579  
body. The resolution shall request that the state institution of 5580  
higher education be authorized to participate in such contracts. 5581

A request for inclusion shall include an agreement to be 5582  
bound by such terms and conditions as the department prescribes 5583  
and to make direct payments to the vendor under each purchase 5584  
contract. 5585

(3) The board of elections of a county that is authorized to participate in contracts under division (B)(2) of this section may participate in contracts under that division under the same terms and conditions that apply to the county.

(4) The department shall include in its annual report, an estimate of the purchases made by state institutions of higher education, governmental agencies, political subdivisions, ~~county~~ boards of elections, private fire companies, private, nonprofit emergency medical service organizations, and chartered nonpublic schools from contracts pursuant to this division. The department may require such entities to file a report with the department, as often as it finds necessary, stating how many such contracts the entities participated in within a specified period of time, and any other information the department requires.

~~(3)~~(5) Purchases made by a political subdivision or a ~~county~~ board of elections under this division are exempt from any competitive selection procedures otherwise required by law. No political subdivision shall make any purchase under this division when bids have been received for such purchase by the subdivision, unless such purchase can be made upon the same terms, conditions, and specifications at a lower price under ~~this~~ division (B)(2) of this section.

(C) A political subdivision as defined in division (B) of this section or a ~~county~~ board of elections may purchase supplies or services from another party, including a political subdivision, instead of through participation in contracts described in division (B) of this section if the political subdivision or ~~county~~ board of elections can purchase those supplies or services from the other party upon equivalent terms, conditions, and specifications but at a lower price than it can through those contracts. Purchases that a political subdivision or ~~county~~ board of elections makes under this division are exempt from any

competitive selection procedures otherwise required by law. A 5618  
political subdivision or ~~county~~ board of elections that makes any 5619  
purchase under this division shall maintain sufficient information 5620  
regarding the purchase to verify that the political subdivision or 5621  
~~county~~ board of elections satisfied the conditions for making a 5622  
purchase under this division. Nothing in this division restricts 5623  
any action taken by a county or township as authorized by division 5624  
(B)(1) of section 9.48 of the Revised Code. 5625

(D) This section does not apply to supplies or services 5626  
purchased by a state agency directly as provided in section 125.05 5627  
of the Revised Code, or to purchases of supplies or services for 5628  
the emergency management agency or other state agencies as 5629  
provided in section 125.061 of the Revised Code. 5630

**Sec. 125.08.** ~~(A)~~ Any person who is certified by the ~~equal~~ 5631  
~~employment opportunity coordinator of the department~~ director of 5632  
~~administrative services~~ development in accordance with the rules 5633  
adopted under division (B)(1) of section ~~123.151~~ 122.921 of the 5634  
Revised Code as a minority business enterprise may have that 5635  
person's name placed on a special minority business enterprise 5636  
notification list to be used in connection with contracts awarded 5637  
under section 125.081 of the Revised Code. The minority business 5638  
enterprise notification list shall be used for bidding on 5639  
contracts set aside for minority business enterprises only. 5640

**Sec. 125.081.** (A) From the purchases that the department of 5641  
administrative services is required by law to make through 5642  
competitive selection, the director of administrative services 5643  
shall select a number of such purchases, the aggregate value of 5644  
which equals approximately fifteen per cent of the estimated total 5645  
value of all such purchases to be made in the current fiscal year. 5646  
The director shall set aside the purchases selected for 5647  
competition only by minority business enterprises, as defined in 5648

division (E)(1) of section 122.71 of the Revised Code. The 5649  
competitive selection procedures for such purchases set aside 5650  
shall be the same as for all other purchases the department is 5651  
required to make through competitive selection, except that only 5652  
minority business enterprises certified by the ~~equal employment~~ 5653  
~~opportunity coordinator of the department~~ director of 5654  
~~administrative services~~ development in accordance with the rules 5655  
adopted under division (B)(1) of section ~~123.151~~122.921 of the 5656  
Revised Code and listed ~~by the director~~ under section 125.08 of 5657  
the Revised Code shall be qualified to compete. 5658

(B) To the extent that any agency of the state, other than 5659  
the department of administrative services, the legislative and 5660  
judicial branches, boards of elections, and the adjutant general, 5661  
is authorized to make purchases, the agency shall set aside a 5662  
number of purchases, the aggregate value of which equals 5663  
approximately fifteen per cent of the aggregate value of such 5664  
purchases for the current fiscal year for competition by minority 5665  
business enterprises only. The procedures for such purchases shall 5666  
be the same as for all other such purchases made by the agency, 5667  
except that only minority business enterprises certified by the 5668  
~~equal employment opportunity coordinator~~ director of development 5669  
in accordance with rules adopted under division (B)(1) of section 5670  
123.151 of the Revised Code shall be qualified to compete. 5671

(C) In the case of purchases set aside under division (A) or 5672  
(B) of this section, if no bid is submitted by a minority business 5673  
enterprise, the purchase shall be made according to usual 5674  
procedures. The contracting agency shall from time to time set 5675  
aside such additional purchases for which only minority business 5676  
enterprises may compete, as are necessary to replace those 5677  
purchases previously set aside for which no minority business 5678  
enterprises bid and to ensure that, in any fiscal year, the 5679  
aggregate amount of contracts awarded to minority business 5680

enterprises will equal approximately fifteen per cent of the total amount of contracts awarded by the agency.

(D) The provisions of this section shall not preclude any minority business enterprise from competing for any other state purchases that are not specifically set aside for minority business enterprises.

(E) No funds of any state agency shall be expended in any fiscal year for any purchase for which competitive selection is required, until the director of the department of administrative services certifies to the ~~equal employment opportunity coordinator, the clerk of the senate, and the clerk of the house~~ of representatives of the general assembly that approximately fifteen per cent of the aggregate amount of the projected expenditure for such purchases in the fiscal year has been set aside as provided for in this section.

(F) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a minority business enterprise for the purpose of obtaining contracts, subcontracts, or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

**Sec. 125.09.** (A) Pursuant to ~~section~~ sections 125.07, 125.071, and 125.072 of the Revised Code, the department of administrative services may prescribe such conditions under which competitive sealed bids, competitive sealed proposals, and bids in reverse auctions will be received and terms of the proposed purchase as it considers necessary; provided, that all such conditions and terms shall be reasonable and shall not unreasonably restrict competition, and bidders may bid and offerors may propose upon all or any item of the products, supplies, or services listed in such notice. Those bidders and

offerors claiming the preference ~~for United States and Ohio~~ 5712  
~~products~~ outlined in this chapter shall designate in their ~~bids~~ 5713  
bid or offer either that the product ~~to be supplied~~ or supply is 5714  
produced or mined in the United States and is either an Ohio 5715  
product or that the product, supply, or service is provided by a 5716  
bidder or offeror that qualifies as having a significant Ohio 5717  
economic presence under the rules established by the director of 5718  
administrative services ~~they qualify as having a significant Ohio~~ 5719  
~~economic presence.~~ 5720

(B) The department may require that each bidder or offeror 5721  
provide sufficient information about the energy efficiency or 5722  
energy usage of the bidder's or offeror's product, supply, or 5723  
service. 5724

(C) The director of administrative services shall, by rule 5725  
adopted pursuant to Chapter 119. of the Revised Code, prescribe 5726  
criteria and procedures for use by all state agencies in giving 5727  
preference ~~to United States and Ohio products~~ under this section 5728  
as required by division (B) of section 125.11 of the Revised Code. 5729  
The rules shall extend to: 5730

(1) Criteria for determining that a product is produced or 5731  
mined in the United States rather than in another country or 5732  
territory; 5733

(2) Criteria for determining that a product is produced or 5734  
mined in Ohio; 5735

(3) Information to be submitted by bidders or offerors as to 5736  
the nature of a product and the location where it is produced or 5737  
mined; 5738

(4) Criteria and procedures to be used by the director to 5739  
qualify bidders or offerors located in states bordering Ohio who 5740  
might otherwise be excluded from being awarded a contract by 5741  
operation of this section and section 125.11 of the Revised Code. 5742

The criteria and procedures shall recognize the level and 5743  
regularity of interstate commerce between Ohio and the border 5744  
states and provide that the non-Ohio businesses may qualify for 5745  
award of a contract as long as they are located in a state that 5746  
imposes no greater restrictions than are contained in this section 5747  
and section 125.11 of the Revised Code upon persons located in 5748  
Ohio selling products or services to agencies of that state. The 5749  
criteria and procedures shall also provide that a non-Ohio 5750  
business shall not bid on a contract for state printing in this 5751  
state if the business is located in a state that excludes Ohio 5752  
businesses from bidding on state printing contracts in that state. 5753

(5) Criteria and procedures to be used to qualify bidders and 5754  
offerors whose manufactured products, except for mined products, 5755  
are produced in other states or in North America, but the bidders 5756  
or offerors have a significant Ohio economic presence in terms of 5757  
the number of employees or capital investment a bidder or offeror 5758  
has in this state. Bidders and offerors with a significant Ohio 5759  
economic presence shall qualify for award of a contract on the 5760  
same basis as if their products were produced in this state or as 5761  
if the bidder or offeror was domiciled in this state. 5762

(6) Criteria and procedures for the director to grant waivers 5763  
of the requirements of division (B) of section 125.11 of the 5764  
Revised Code on a contract-by-contract basis where compliance with 5765  
those requirements would result in the state agency paying an 5766  
excessive price for the product or acquiring a disproportionately 5767  
inferior product; 5768

(7) Such other requirements or procedures reasonably 5769  
necessary to implement the system of preferences established 5770  
pursuant to division (B) of section 125.11 of the Revised Code. 5771

In adopting the rules required under this division, the 5772  
director shall, to the maximum extent possible, conform to the 5773  
requirements of the federal "Buy America Act," 47 Stat. 1520, 5774

(1933), 41 U.S.C.A. 10a-10d, as amended, and to the regulations 5775  
adopted thereunder. 5776

**Sec. 125.14.** (A) The director of administrative services 5777  
shall allocate any proceeds from the transfer, sale, or lease of 5778  
excess and surplus supplies in the following manner: 5779

(1) Except as otherwise provided in division (A)(2) or (3) of 5780  
this section, the proceeds of such a transfer, sale, or lease 5781  
shall be paid into the state treasury to the credit of the 5782  
investment recovery fund, which is hereby created. 5783

(2) Except as otherwise provided in division (A)(2) of this 5784  
section, when supplies originally were purchased with funds from 5785  
nongeneral revenue fund sources, the director shall determine what 5786  
fund or account originally was used to purchase the supplies, and 5787  
the credit for the proceeds from any transfer, sale, or lease of 5788  
those supplies shall be transferred to that fund or account. If 5789  
the director cannot determine which fund or account originally was 5790  
used to purchase the supplies, if the fund or account is no longer 5791  
active, or if the proceeds from the transfer, sale, or lease of a 5792  
unit of supplies are less than one hundred dollars or any larger 5793  
amount the director may establish with the approval of the 5794  
director of budget and management, then the proceeds from the 5795  
transfer, sale, or lease of such supplies shall be paid into the 5796  
state treasury to the credit of the investment recovery fund. 5797

(3) In accordance with division (H)(2) of section 125.832 of 5798  
the Revised Code, when vehicles originally were purchased with 5799  
moneys derived from the general revenue fund, the proceeds shall 5800  
be deposited, in the director's discretion, into the state 5801  
treasury to the credit of either the fleet management fund created 5802  
by section 125.83 of the Revised Code or to the credit of the 5803  
investment recovery fund created by this section. Any such 5804  
proceeds deposited into the state treasury to the credit of the 5805

investment recovery fund may be transferred from the investment 5806  
recovery fund to the fleet management fund. 5807

(B) The investment recovery fund shall be used to pay for the 5808  
operating expenses of the state surplus property program and of 5809  
the federal surplus property program described in sections 125.84 5810  
to 125.90 of the Revised Code. Any amounts in excess of these 5811  
operating expenses shall periodically be transferred to the 5812  
general revenue fund of the state. If proceeds paid into the 5813  
investment recovery fund are insufficient to pay for the program's 5814  
operating expenses, a service fee may be charged to state agencies 5815  
to eliminate the deficit. 5816

(C) Proceeds from the sale of recyclable goods and materials 5817  
shall be paid into the state treasury to the credit of the 5818  
recycled materials fund, which is hereby created, except that the 5819  
director of environmental protection, upon request, may grant an 5820  
exemption from this requirement. The director shall administer the 5821  
fund for the benefit of recycling programs in state agencies. 5822

**Sec. 125.18.** (A) There is hereby established the office of 5823  
information technology within the department of administrative 5824  
services. The office shall be under the supervision of a state 5825  
chief information officer to be appointed by the director of 5826  
administrative services and subject to removal at the pleasure of 5827  
the director. The chief information officer is an assistant 5828  
director of administrative services. 5829

(B) Under the direction of the director of administrative 5830  
services, the state chief information officer shall lead, oversee, 5831  
and direct state agency activities related to information 5832  
technology development and use. In that regard, the state chief 5833  
information officer shall do all of the following: 5834

(1) Coordinate and superintend statewide efforts to promote 5835  
common use and development of technology by state agencies. The 5836

office of information technology shall establish policies and 5837  
standards that govern and direct state agency participation in 5838  
statewide programs and initiatives. 5839

(2) Coordinate with the office of procurement services to 5840  
establish policies and standards for state agency acquisition of 5841  
information technology supplies and services; 5842

(3) Establish policies and standards for the ~~acquisition and~~ 5843  
use of common information technology by state agencies, including, 5844  
but not limited to, hardware, software, technology services, and 5845  
security, and the extension of the service life of information 5846  
technology systems, with which state agencies shall comply; 5847

~~(3)~~(4) Establish criteria and review processes to identify 5848  
state agency information technology projects or purchases that 5849  
require alignment or oversight. As appropriate, the department of 5850  
administrative services shall provide the governor and the 5851  
director of budget and management with notice and advice regarding 5852  
the appropriate allocation of resources for those projects. The 5853  
state chief information officer may require state agencies to 5854  
provide, and may prescribe the form and manner by which they must 5855  
provide, information to fulfill the state chief information 5856  
officer's alignment and oversight role; 5857

~~(4)~~(5) Establish policies and procedures for the security of 5858  
personal information that is maintained and destroyed by state 5859  
agencies; 5860

~~(5)~~(6) Employ a chief information security officer who is 5861  
responsible for the implementation of the policies and procedures 5862  
described in division ~~(B)~~(4) (B)(5) of this section and for 5863  
coordinating the implementation of those policies and procedures 5864  
in all of the state agencies; 5865

~~(6)~~(7) Employ a chief privacy officer who is responsible for 5866  
advising state agencies when establishing policies and procedures 5867

for the security of personal information and developing education 5868  
and training programs regarding the state's security procedures; 5869

~~(7)~~(8) Establish policies on the purchasing, use, and 5870  
reimbursement for use of handheld computing and telecommunications 5871  
devices by state agency employees; 5872

~~(8)~~(9) Establish policies for the reduction of printing and 5873  
for the increased use of electronic records by state agencies; 5874

~~(9)~~(10) Establish policies for the reduction of energy 5875  
consumption by state agencies; 5876

~~(10)~~(11) Compute the amount of revenue attributable to the 5877  
amortization of all equipment purchases and capitalized systems 5878  
from information technology service delivery and major information 5879  
technology purchases, MARCS administration, enterprise 5880  
applications, and the professions licensing system operating 5881  
appropriation items and major computer purchases capital 5882  
appropriation items that is recovered as part of the information 5883  
technology services rates the department of administrative 5884  
services charges and deposits into the information technology fund 5885  
created in section 125.15 of the Revised Code, the user fees the 5886  
department of administrative services charges and deposits in the 5887  
MARCS administration fund created in section 4501.29 of the 5888  
Revised Code, the rates the department of administrative services 5889  
charges to benefiting agencies for the operation and management of 5890  
information technology applications and deposits in the enterprise 5891  
applications fund, and the rates the department of administrative 5892  
services charges for the cost of ongoing maintenance of the 5893  
professions licensing system and deposits in the professions 5894  
licensing system fund. The enterprise applications fund is hereby 5895  
created in the state treasury. 5896

~~(11)~~(12) Regularly review and make recommendations regarding 5897  
improving the infrastructure of the state's cybersecurity 5898

operations with existing resources and through partnerships 5899  
between government, business, and institutions of higher 5900  
education; 5901

~~(12)~~(13) Assist, as needed, with general state efforts to 5902  
grow the cybersecurity industry in this state. 5903

(C)(1) The chief information security officer shall assist 5904  
each state agency with the development of an information 5905  
technology security strategic plan and review that plan, and each 5906  
state agency shall submit that plan to the state chief information 5907  
officer. The chief information security officer may require that 5908  
each state agency update its information technology security 5909  
strategic plan annually as determined by the state chief 5910  
information officer. 5911

(2) Prior to the implementation of any information technology 5912  
data system, a state agency shall prepare or have prepared a 5913  
privacy impact statement for that system. 5914

(D) When a state agency requests a purchase of information 5915  
technology supplies or services under Chapter 125. of the Revised 5916  
Code, the state chief information officer may review and reject 5917  
the requested purchase for noncompliance with information 5918  
technology direction, plans, policies, standards, or 5919  
project-alignment criteria. 5920

(E) The office of information technology may operate 5921  
technology services for state agencies in accordance with this 5922  
chapter. 5923

Notwithstanding any provision of the Revised Code to the 5924  
contrary, the office of information technology may assess a 5925  
transaction fee on each license or registration issued as part of 5926  
an electronic licensing system operated by the office in an amount 5927  
determined by the office not to exceed three dollars and fifty 5928  
cents. The transaction fee shall apply to all transactions, 5929

regardless of form, that immediately precede the issuance, 5930  
renewal, reinstatement, reactivation of, or other activity that 5931  
results in, a license or registration to operate as a regulated 5932  
professional or entity. Each license or registration is a separate 5933  
transaction to which a fee under this division applies. 5934  
Notwithstanding any provision of the Revised Code to the contrary, 5935  
if a fee is assessed under this section, no agency, board, or 5936  
commission shall issue a license or registration unless a fee 5937  
required by this division has been received. The director of 5938  
administrative services may collect the fee or require a state 5939  
agency, board, or commission for which the system is being 5940  
operated to collect the fee. Amounts received under this division 5941  
shall be deposited in or transferred to the professions licensing 5942  
system fund created in division ~~(I)~~ (H) of this section. 5943

(F) With the approval of the director of administrative 5944  
services, the office of information technology may establish 5945  
cooperative agreements with federal and local government agencies 5946  
and state agencies that are not under the authority of the 5947  
governor for the provision of technology services and the 5948  
development of technology projects. 5949

(G) The office of information technology may operate a 5950  
program to make information technology purchases. The director of 5951  
administrative services may recover the cost of operating the 5952  
program from all participating government entities by issuing 5953  
intrastate transfer voucher billings for the procured technology 5954  
or through any pass-through billing method agreed to by the 5955  
director of administrative services, the director of budget and 5956  
management, and the participating government entities that will 5957  
receive the procured technology. 5958

If the director of administrative services chooses to recover 5959  
the program costs through intrastate transfer voucher billings, 5960  
the participating government entities shall process the intrastate 5961

transfer vouchers to pay for the cost. Amounts received under this 5962  
section for the information technology purchase program shall be 5963  
deposited to the credit of the information technology governance 5964  
fund created in section 125.15 of the Revised Code. 5965

(H) Upon request from the director of administrative 5966  
services, the director of budget and management may transfer cash 5967  
from the information technology fund created in section 125.15 of 5968  
the Revised Code, the MARCS administration fund created in section 5969  
4501.29 of the Revised Code, the enterprise applications fund 5970  
created in division ~~(B)(10)~~ (B)(11) of this section, or the 5971  
professions licensing system fund created in division (I) of this 5972  
section to the major information technology purchases fund in an 5973  
amount not to exceed the amount computed under division ~~(B)(10)~~ 5974  
(B)(11) of this section. The major information technology 5975  
purchases fund is hereby created in the state treasury. 5976

(I) There is hereby created in the state treasury the 5977  
professions licensing system fund. The fund shall be used to 5978  
operate the electronic licensing system referenced in division (E) 5979  
of this section. 5980

(J) As used in this section: 5981

(1) "Personal information" has the same meaning as in section 5982  
149.45 of the Revised Code. 5983

(2) "State agency" means every organized body, office, or 5984  
agency established by the laws of the state for the exercise of 5985  
any function of state government, other than any state-supported 5986  
institution of higher education, the office of the auditor of 5987  
state, treasurer of state, secretary of state, or attorney 5988  
general, the adjutant general's department, the bureau of workers' 5989  
compensation, the industrial commission, the public employees 5990  
retirement system, the Ohio police and fire pension fund, the 5991  
state teachers retirement system, the school employees retirement 5992

system, the state highway patrol retirement system, the general 5993  
assembly or any legislative agency, the capitol square review 5994  
advisory board, or the courts or any judicial agency. 5995

**Sec. 125.65.** (A) As used in this section, "small business" 5996  
has the same meaning as in section 107.63 of the Revised Code. 5997

(B) The LeanOhio office in the department of administrative 5998  
services shall establish and operate an entrepreneur in residence 5999  
pilot program. The mission of the entrepreneur in residence pilot 6000  
program is to provide for better outreach by state government to 6001  
small businesses, to strengthen coordination and interaction 6002  
between state government and small businesses, and to make state 6003  
government programs and functions simpler, easier to access, more 6004  
efficient, and more responsive to the needs of small businesses. 6005

(C) Not later than the first day of the seventh month after 6006  
~~the effective date of this section~~ March 3, 2015, the LeanOhio 6007  
office shall appoint not more than five entrepreneurs in residence 6008  
from among individuals who are successful in their fields and 6009  
shall make reasonable efforts to market the entrepreneur in 6010  
residence program across the state and attract participation from 6011  
entrepreneurs with various backgrounds, including female 6012  
entrepreneurs, minority business enterprises as defined in section 6013  
122.71 of the Revised Code, and owners of EDGE business 6014  
enterprises as defined in section ~~123.152~~122.922 of the Revised 6015  
Code. The LeanOhio office may give preference to individuals who 6016  
have achieved quantifiable improvements using LeanOhio tools and 6017  
strategies such as lean six sigma and individuals who have 6018  
achieved a black belt or master black belt certification from the 6019  
LeanOhio office or an equivalent certification from a private 6020  
sector office or entity. 6021

The appointment of an entrepreneur in residence is for one 6022  
year. 6023

The office shall monitor the work of entrepreneurs in residence during the pilot program.

An entrepreneur in residence serves at the pleasure of the LeanOhio office, and the office may discharge without cause an entrepreneur in residence.

(D) The duties of an entrepreneur in residence may include any or all of the following:

(1) Assisting the LeanOhio office in facilitating and developing the scope of lean process improvement events throughout state government;

(2) Assisting the LeanOhio office in holding follow-up meetings to ensure the improvements developed at lean process improvement events are implemented;

(3) Participating in strategic planning efforts for the LeanOhio office or other areas of state government;

(4) Assisting the LeanOhio office with presentations on opportunities for state government to become more efficient and effective;

(5) Facilitating meetings with businesses, state agencies, and local governments that may be affected by process improvements recommended by the LeanOhio office;

(6) Assisting the LeanOhio office in providing continuous improvement training to state employees.

(E) An entrepreneur in residence shall report directly to the LeanOhio office.

An entrepreneur in residence is not entitled to compensation or any reimbursement from the LeanOhio office for expenses the entrepreneur in residence incurs in discharge of the entrepreneur in residence's duties.

(F)(1) Not later than the date that is one year after an

entrepreneur in residence was appointed, the entrepreneur in 6054  
residence shall prepare a report about the entrepreneur's 6055  
experiences in the program. In the report, the entrepreneur in 6056  
residence shall make recommendations to the LeanOhio office that 6057  
further the mission of the entrepreneur in residence program. In 6058  
particular, the entrepreneur in residence shall make 6059  
recommendations regarding all of the following: 6060

(a) Elimination of inefficient or duplicative programs or 6061  
functions of state government that affect small businesses; 6062

(b) Methods of improving the efficiency of the programs or 6063  
functions of state government that affect small businesses; 6064

(c) Any new program or function affecting small businesses 6065  
that should be established and implemented by state government; 6066

(d) Any other matter that will further the mission of the 6067  
entrepreneur in residence pilot program. 6068

The entrepreneur in residence shall provide a copy of the 6069  
report to the LeanOhio office. 6070

(2) During or upon conclusion of the entrepreneur in 6071  
residence pilot program, the LeanOhio office may convene an 6072  
informal working group of entrepreneurs in residence to discuss 6073  
best practices, experiences, and opportunities for and obstacles 6074  
to operating small businesses as well as the recommendations in 6075  
the reports prepared by the entrepreneurs in residence. 6076

(G) Upon conclusion of the entrepreneur in residence pilot 6077  
program, and after considering the reports of the entrepreneurs in 6078  
residence and information learned from any informal working group, 6079  
the LeanOhio office shall prepare a report on the entrepreneur in 6080  
residence pilot program. In the report, the office shall recommend 6081  
whether the entrepreneur in residence pilot program should be 6082  
repeated with or without modifications, made permanent with or 6083  
without modifications, or abandoned. The office shall append the 6084

reports of the entrepreneurs in residence to its report. If the 6085  
pilot program is repeated or made permanent, an individual who 6086  
previously was assigned as an entrepreneur in residence shall not 6087  
be reassigned as an entrepreneur in residence. 6088

The LeanOhio office shall provide a copy of its report to the 6089  
common sense initiative office. The common sense initiative office 6090  
promptly shall transmit a copy of the report to the officials 6091  
designated in the last paragraph of section 107.55 of the Revised 6092  
Code. 6093

**Sec. 125.832.** (A) The department of administrative services 6094  
is granted exclusive authority over the acquisition and management 6095  
of all motor vehicles used by state agencies. In carrying out this 6096  
authority, the department shall do both of the following: 6097

(1) Approve the purchase or lease of each motor vehicle for 6098  
use by a state agency. The department shall decide if a motor 6099  
vehicle shall be leased or purchased for that use. 6100

Except as otherwise provided in division (A)(1) of this 6101  
section, on and after July 1, 2005, each state agency shall 6102  
acquire all passenger motor vehicles under the department's master 6103  
leasing program. If the department determines that acquisition 6104  
under that program is not the most economical method and if the 6105  
department and the state agency acquiring the passenger motor 6106  
vehicle can provide economic justification for doing so, the 6107  
department may approve the purchase, rather than the lease, of a 6108  
passenger motor vehicle for the acquiring state agency. 6109

(2) Direct and approve all funds that are expended for the 6110  
purchase, lease, repair, maintenance, registration, insuring, and 6111  
other costs related to the possession and operation of motor 6112  
vehicles for the use of state agencies. 6113

(B) The director of administrative services shall establish 6114

and operate a fleet management program. The director shall operate 6115  
the program for purposes including, but not limited to, 6116  
cost-effective acquisition, maintenance, management, analysis, and 6117  
disposal of all motor vehicles owned or leased by the state. All 6118  
state agencies shall comply with statewide fleet management 6119  
policies and procedures established by the director for the 6120  
program, including, but not limited to, motor vehicle assignments, 6121  
additions of motor vehicles to fleets or motor vehicle 6122  
replacements, motor vehicle fueling, and motor vehicle repairs. 6123

(C) The director shall establish and maintain a fleet 6124  
reporting system and shall require state agencies to submit to the 6125  
department information relative to state motor vehicles, including 6126  
motor vehicles described in division (G)(2) of section 125.831 of 6127  
the Revised Code, to be used in operating the fleet management 6128  
program. State agencies shall provide to the department fleet data 6129  
and other information, including, but not limited to, mileage and 6130  
costs. The data and other information shall be submitted in 6131  
formats and in a manner determined by the department. 6132

(D) All state agency purchases or leases of motor vehicles 6133  
are subject to the prior approval of the director under division 6134  
(A)(1) of this section. 6135

(E) State agencies that utilize state motor vehicles or pay 6136  
mileage reimbursements to employees shall provide a fleet plan to 6137  
the department as directed by the department. 6138

(F)(1) The fleets of state agencies that consist of one 6139  
hundred or less vehicles on July 1, 2004, shall be managed by the 6140  
department's fleet management program on a time schedule 6141  
determined by the department, unless the state agency has received 6142  
delegated authority as described in division (G) of this section. 6143

(2) The fleets of state agencies that consist of greater than 6144  
one hundred motor vehicles, but less than five hundred motor 6145

vehicles, on July 1, 2005, also shall be managed by the 6146  
department's fleet management program on a time schedule 6147  
determined by the department, unless the state agency has received 6148  
delegated authority as described in division (G) of this section. 6149

(G)(1) The department may delegate any or all of its duties 6150  
regarding fleet management to a state agency, if the state agency 6151  
demonstrates to the satisfaction of the department both of the 6152  
following: 6153

(a) Capabilities to institute and manage a fleet management 6154  
program, including, but not limited to, the presence of a 6155  
certified fleet manager; 6156

(b) Fleet management performance, as demonstrated by fleet 6157  
data and other information submitted pursuant to annual reporting 6158  
requirements and any other criteria the department considers 6159  
necessary in evaluating the performance. 6160

(2) The department may determine that a state agency is not 6161  
in compliance with this section and direct that the agency's fleet 6162  
management duties be transferred to the department. 6163

(H) The proceeds derived from the disposition of any motor 6164  
vehicles under this section shall be paid to whichever of the 6165  
following applies: 6166

(1) The fund that originally provided moneys for the purchase 6167  
or lease of the motor vehicles; 6168

(2) If the motor vehicles were originally purchased with 6169  
moneys derived from the general revenue fund, the proceeds shall 6170  
be deposited, in the director's discretion, into the state 6171  
treasury to the credit of either the fleet management fund created 6172  
by section 125.83 of the Revised Code or the investment recovery 6173  
fund created by section 125.14 of the Revised Code. Any such 6174  
proceeds deposited into the state treasury to the credit of the 6175  
investment recovery fund may be transferred from the investment 6176

recovery fund to the fleet management fund. 6177

(I)(1) The department shall create and maintain a certified 6178  
fleet manager program. 6179

(2) State agencies that have received delegated authority as 6180  
described in division (G) of this section shall have a certified 6181  
fleet manager. 6182

(J) The department annually shall prepare and submit a 6183  
statewide fleet report to the governor, the speaker of the house 6184  
of representatives, and the president of the senate. The report 6185  
shall be submitted not later than the thirty-first day of January 6186  
following the end of each fiscal year. It may include, but is not 6187  
limited to, the numbers and types of motor vehicles, their 6188  
mileage, miles per gallon, and cost per mile, mileage 6189  
reimbursements, accident and insurance data, and information 6190  
regarding compliance by state agencies having delegated authority 6191  
under division (G) of this section with applicable fleet 6192  
management requirements. 6193

(K) The director shall adopt rules for implementing the fleet 6194  
management program that are consistent with recognized best 6195  
practices. The program shall be supported by reasonable fee 6196  
charges for the services provided. The director shall collect 6197  
these fees and deposit them into the state treasury to the credit 6198  
for the fleet management fund created by section 125.83 of the 6199  
Revised Code. The setting and collection of fees under this 6200  
division is not subject to any restriction imposed by law upon the 6201  
director's or the department's authority to set or collect fees. 6202

(L) The director also shall adopt rules that prohibit, except 6203  
in very limited circumstances, the exclusive assignment of 6204  
state-owned, leased, or pooled motor vehicles to state employees 6205  
and that prohibit the reimbursement under section 126.31 of the 6206  
Revised Code of state employees who use their own motor vehicles 6207

for any mileage they incur above an amount that the department 6208  
shall determine annually unless reimbursement for the excess 6209  
mileage is approved by the department in accordance with standards 6210  
for that approval the director shall establish in those rules. 6211  
Beginning on September 26, 2003, no state-owned, leased, or pooled 6212  
motor vehicle shall be personally assigned as any form of 6213  
compensation or benefit of state employment, and no state-owned, 6214  
leased, or pooled motor vehicle shall be assigned to an employee 6215  
solely for commuting to and from home and work. 6216

(M) The director shall do both of the following: 6217

(1) Implement to the greatest extent possible the 6218  
recommendations from the 2002 report entitled "Administrative 6219  
Analysis of the Ohio Fleet Management Program" in connection with 6220  
the authority granted to the department by this section; 6221

(2) Attempt to reduce the number of passenger vehicles used 6222  
by state agencies during the fiscal years ending on June 30, 2004, 6223  
and June 30, 2005. 6224

(N) Each state agency shall reimburse the department for all 6225  
costs incurred in the assignment of motor vehicles to the state 6226  
agency. 6227

(O) The director shall do all of the following in managing 6228  
the fleet management program: 6229

(1) Determine how motor vehicles will be maintained, insured, 6230  
operated, financed, and licensed; 6231

(2) Pursuant to the formula in division (O)(3) of this 6232  
section, annually establish the minimum number of business miles 6233  
per year an employee of a state agency must drive in order to 6234  
qualify for approval by the department to receive a motor vehicle 6235  
for business use; 6236

(3) Establish the minimum number of business miles per year 6237

at an amount that results when the annual motor vehicle cost is 6238  
divided by the amount that is the reimbursement rate per mile 6239  
minus the amount that is the sum of the fuel cost, the operating 6240  
cost, and the insurance cost. As used in this division: 6241

(a) "Annual motor vehicle cost" means the price of a motor 6242  
vehicle divided by the number of years an average motor vehicle is 6243  
used. 6244

(b) "Fuel cost" means the average price per gallon of motor 6245  
fuel divided by the miles per gallon fuel efficiency of a motor 6246  
vehicle. 6247

(c) "Insurance cost" means the cost of insuring a motor 6248  
vehicle per year divided by the number of miles an average motor 6249  
vehicle is driven per year. 6250

(d) "Operating cost" means the maintenance cost of a motor 6251  
vehicle per year divided by ~~the product resulting when~~ the number 6252  
of miles an average motor vehicle is driven per year ~~is multiplied~~ 6253  
~~by the number of years an average motor vehicle is used.~~ 6254

(e) "Reimbursement rate per mile" means the reimbursement per 6255  
mile rate for travel expenses as provided by rule of the director 6256  
of budget and management adopted under division (B) of section 6257  
126.31 of the Revised Code. 6258

**Sec. 125.95.** (A) There is hereby created within the 6259  
department of administrative services the prescription drug 6260  
transparency and affordability advisory council. The department 6261  
shall provide administrative support to the advisory council as 6262  
necessary for the advisory council to carry out its duties under 6263  
this section. 6264

(1) Members of the advisory council shall include the 6265  
following: 6266

(a) The director of administrative services, who shall serve 6267

<u>as the advisory council's chairperson;</u>	6268
(b) The director of health;	6269
(c) The medicaid director;	6270
(d) The director of mental health and addiction services;	6271
(e) The administrator of workers' compensation.	6272
(2) Members of the advisory council shall also include	6273
individuals who are working to address prescription drug	6274
availability and affordability in any of the following areas:	6275
(a) Insurance;	6276
(b) Local, state, and federal government service;	6277
(c) Private industry;	6278
(d) Organizations of faith;	6279
(e) Health care providers;	6280
(f) Consumer organizations;	6281
(g) Prescription drug manufacturers;	6282
(h) Prescription drug wholesale distributors;	6283
(i) Pharmacists;	6284
(j) Business organizations;	6285
(k) Individuals concerned about mental health or substance	6286
abuse matters;	6287
(l) Advocates for individuals struggling to afford	6288
prescription drugs.	6289
The governor, the senate president, and the speaker of the	6290
house of representatives shall each appoint three members, each of	6291
whom represents at least one of the categories listed in divisions	6292
(A)(2)(a) to (l) of this section.	6293
(B) Members shall serve without compensation. Initial	6294

appointments shall be made not later than sixty days after the 6295  
effective date of this section. Vacancies shall be filled in the 6296  
manner provided for original appointments. 6297

(C) Not later than six months after the date of initial 6298  
appointments under division (B) of this section, the advisory 6299  
council shall submit a report to the governor, the general 6300  
assembly, and the chairperson of the joint medicaid oversight 6301  
committee in accordance with section 101.68 of the Revised Code. 6302  
The report shall include recommendations on all of the following: 6303

(1) How this state can best achieve prescription drug price 6304  
transparency; 6305

(2) New payment models or other avenues to create the most 6306  
affordable environment for purchasing prescription drugs; 6307

(3) Leveraging this state's purchasing power across all state 6308  
agencies, boards, commissions, and similar entities; 6309

(4) Creating efficiencies across different health care 6310  
systems, such as hospitals, the criminal justice system, treatment 6311  
and recovery support programs, and employer-sponsored health 6312  
insurance, to reduce duplicative service delivery across these 6313  
systems, ensure that patients receive high quality and affordable 6314  
prescription drugs, and support quality care and outcomes; 6315

(5) Which critical outcomes can be measured and used to 6316  
improve this state's system of purchasing affordable prescribed 6317  
drugs; 6318

(6) How federal, state, and local resources are being used to 6319  
optimize these outcomes and identify where the resources can be 6320  
better coordinated or redirected to meet the needs of consumers in 6321  
this state. 6322

(D) State agencies, boards, commissions, and similar entities 6323  
shall cooperate with and provide assistance to the advisory 6324

council as necessary for the advisory council to carry out its 6325  
duties under this section. 6326

(E) Upon completion of the report described in division (C) 6327  
of this section, the advisory council shall meet ~~not less than~~ 6328  
~~quarterly at the call of its chairperson~~ to provide assistance and 6329  
guidance relating to the recommendations in the report. 6330

**Sec. 126.37.** (A) The director of budget and management ~~shall~~ 6331  
~~void any warrant the director draws on the state treasury pursuant~~ 6332  
~~to Chapter 5733. or 5747. of the Revised Code that is not~~ 6333  
~~presented for payment to the treasurer of state within two years~~ 6334  
~~after the date of issuance and shall void any other~~ warrant the 6335  
director draws on the state treasury that is not presented for 6336  
payment to the treasurer of state within ninety days after the 6337  
date of issuance. 6338

(B) If a warrant voided pursuant to division (A) of this 6339  
section was drawn against an appropriation of the current fiscal 6340  
year and the holder of the voided warrant presents the warrant for 6341  
reissuance, in the same fiscal year, to the state agency that made 6342  
the payment originally, the agency shall prepare a voucher for the 6343  
holder of the voided warrant, in the amount shown on the warrant 6344  
that has been voided, against the same appropriation of the same 6345  
fiscal year if the agency is satisfied that payment is proper. 6346

(C) If a warrant was drawn against an appropriation of the 6347  
first fiscal year of the fiscal biennium and voided pursuant to 6348  
division (A) of this section in either fiscal year of the biennium 6349  
and if the holder of the voided warrant presents the warrant for 6350  
reissuance, in the second fiscal year of the biennium, to the 6351  
state agency that made the payment originally, the agency shall 6352  
prepare a voucher for the holder of the voided warrant, in the 6353  
amount shown on the warrant that has been voided, against funds 6354  
transferred to the agency by the director pursuant to section 6355

131.33 of the Revised Code, if the agency is satisfied that 6356  
payment is proper. If no such funds are available for transfer, 6357  
the agency shall prepare the voucher against any unexpended 6358  
appropriations of the current fiscal year available to it. 6359

(D) If a warrant was drawn against an appropriation and, 6360  
during the same biennium, was voided pursuant to division (A) of 6361  
this section, and if, after that biennium, the holder of the 6362  
voided warrant presents the warrant for reissuance to the state 6363  
agency that made the payment originally, the agency shall prepare 6364  
a voucher for the holder of the voided warrant, in the amount 6365  
shown on the warrant that has been voided, against any 6366  
appropriation of the current fiscal year made to the agency if the 6367  
agency is satisfied that payment is proper. 6368

(E) If a warrant voided pursuant to division (A) of this 6369  
section was drawn against an appropriation of a previous fiscal 6370  
year and voided after that fiscal biennium and if the holder of 6371  
the voided warrant presents the warrant for reissuance to the 6372  
state agency that made the payment originally, the agency shall 6373  
forward the warrant to the director with a request for reissuance. 6374  
The director shall make payment to the holder of the voided 6375  
warrant, in the amount shown on the warrant that has been voided, 6376  
against an appropriation of the current fiscal year made to the 6377  
director for the reissuance of voided warrants, if the director is 6378  
satisfied that reissuance of the warrant is proper. 6379

**Sec. 128.55.** (A)(1) The tax commissioner, not later than the 6380  
last day of each month, shall disburse moneys from the wireless 6381  
9-1-1 government assistance fund, plus any accrued interest on the 6382  
fund, to each county treasurer. 6383

~~(a) If there are sufficient funds in the wireless 9-1-1~~ 6384  
~~government assistance fund, each county treasurer shall receive~~ 6385  
the same amount proportion distributed to that county by the 6386

~~public utilities commission tax commissioner~~ in the corresponding 6387  
calendar month ~~in 2013.~~ 6388

~~(b) If the funds available are insufficient to make the 6389  
distributions as provided in division (A)(1)(a) of this section, 6390  
each county's share shall be reduced in proportion to the amounts 6391  
received in the corresponding calendar month in 2013, until the 6392  
total amount to be distributed to the counties is equivalent to 6393  
the amount available in the wireless 9-1-1 government assistance 6394  
fund of the previous year. Any shortfall in distributions 6395  
resulting from ~~insufficient~~ the timing of funds from received in a 6396  
previous month shall be ~~remedied~~ distributed in the following 6397  
month. 6398~~

(2) The tax commissioner shall disburse moneys from the next 6399  
generation 9-1-1 fund in accordance with the guidelines 6400  
established under section 128.022 of the Revised Code. 6401

(B) Immediately upon receipt by a county treasurer of a 6402  
disbursement under division (A) of this section, the county shall 6403  
disburse, in accordance with the allocation formula set forth in 6404  
the final plan, the amount the county so received to any other 6405  
subdivisions in the county and any regional councils of 6406  
governments in the county that pay the costs of a public safety 6407  
answering point providing wireless enhanced 9-1-1 under the plan. 6408

(C) Nothing in this chapter affects the authority of a 6409  
subdivision operating or served by a public safety answering point 6410  
of a 9-1-1 system or a regional council of governments operating a 6411  
public safety answering point of a 9-1-1 system to use, as 6412  
provided in the final plan for the system or in an agreement under 6413  
section 128.09 of the Revised Code, any other authorized revenue 6414  
of the subdivision or the regional council of governments for the 6415  
purposes of providing basic or enhanced 9-1-1. 6416

**Sec. 131.43.** There is hereby created in the state treasury 6417

the budget stabilization fund. All investment earnings of the fund 6418  
shall be credited to the fund. It is the intent of the general 6419  
assembly to maintain an amount of money in the budget 6420  
stabilization fund that amounts to approximately eight and 6421  
one-half per cent of the general revenue fund revenues for the 6422  
preceding fiscal year. The governor shall include in the state 6423  
budget the governor submits to the general assembly under section 6424  
107.03 of the Revised Code proposals for transfers between the 6425  
general revenue fund and the budget stabilization fund for the 6426  
ensuing fiscal biennium. The balance in the fund may be combined 6427  
with the balance in the general revenue fund for purposes of cash 6428  
management. 6429

**Sec. 133.06.** (A) A school district shall not incur, without a 6430  
vote of the electors, net indebtedness that exceeds an amount 6431  
equal to one-tenth of one per cent of its tax valuation, except as 6432  
provided in divisions (G) and (H) of this section and in division 6433  
(D) of section 3313.372 of the Revised Code, or as prescribed in 6434  
section 3318.052 or 3318.44 of the Revised Code, or as provided in 6435  
division (J) of this section. 6436

(B) Except as provided in divisions (E), (F), and (I) of this 6437  
section, a school district shall not incur net indebtedness that 6438  
exceeds an amount equal to nine per cent of its tax valuation. 6439

(C) A school district shall not submit to a vote of the 6440  
electors the question of the issuance of securities in an amount 6441  
that will make the district's net indebtedness after the issuance 6442  
of the securities exceed an amount equal to four per cent of its 6443  
tax valuation, unless the superintendent of public instruction, 6444  
acting under policies adopted by the state board of education, and 6445  
the tax commissioner, acting under written policies of the 6446  
commissioner, consent to the submission. A request for the 6447  
consents shall be made at least one hundred twenty days prior to 6448

the election at which the question is to be submitted. 6449

The superintendent of public instruction shall certify to the 6450  
district the superintendent's and the tax commissioner's decisions 6451  
within thirty days after receipt of the request for consents. 6452

If the electors do not approve the issuance of securities at 6453  
the election for which the superintendent of public instruction 6454  
and tax commissioner consented to the submission of the question, 6455  
the school district may submit the same question to the electors 6456  
on the date that the next special election may be held under 6457  
section 3501.01 of the Revised Code without submitting a new 6458  
request for consent. If the school district seeks to submit the 6459  
same question at any other subsequent election, the district shall 6460  
first submit a new request for consent in accordance with this 6461  
division. 6462

(D) In calculating the net indebtedness of a school district, 6463  
none of the following shall be considered: 6464

(1) Securities issued to acquire school buses and other 6465  
equipment used in transporting pupils or issued pursuant to 6466  
division (D) of section 133.10 of the Revised Code; 6467

(2) Securities issued under division (F) of this section and, 6468  
to the extent in excess of the limitation stated in division (B) 6469  
of this section, under division (E) of this section; 6470

(3) Indebtedness resulting from the dissolution of a joint 6471  
vocational school district under section 3311.217 of the Revised 6472  
Code, evidenced by outstanding securities of that joint vocational 6473  
school district; 6474

(4) Loans, evidenced by any securities, received under 6475  
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 6476

(5) Debt incurred under section 3313.374 of the Revised Code; 6477

(6) Debt incurred pursuant to division (B)(5) of section 6478

3313.37 of the Revised Code to acquire computers and related hardware;	6479 6480
(7) Debt incurred under section 3318.042 of the Revised Code;	6481
(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district.	6482 6483 6484
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	6485 6486
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	6487 6488 6489
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	6490 6491
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	6492 6493 6494 6495
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	6496 6497 6498
(a) The history of and a projection of the growth of the tax valuation;	6499 6500
(b) The projected needs;	6501
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	6502 6503
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	6504 6505 6506
(a) The district does not have available sufficient	6507

additional funds from state or federal sources to meet the 6508  
projected needs. 6509

(b) The projection of the potential average growth of tax 6510  
valuation during the next five years, according to the information 6511  
certified to the superintendent and any other information the 6512  
superintendent obtains, indicates a likelihood of potential 6513  
average growth of tax valuation of the district during the next 6514  
five years of an average of not less than one and one-half per 6515  
cent per year. The findings and certification of the 6516  
superintendent shall be conclusive. 6517

(4) An approved special needs district may incur net 6518  
indebtedness by the issuance of securities in accordance with the 6519  
provisions of this chapter in an amount that does not exceed an 6520  
amount equal to the greater of the following: 6521

(a) Twelve per cent of the sum of its tax valuation plus an 6522  
amount that is the product of multiplying that tax valuation by 6523  
the percentage by which the tax valuation has increased over the 6524  
tax valuation on the first day of the sixtieth month preceding the 6525  
month in which its board determines to submit to the electors the 6526  
question of issuing the proposed securities; 6527

(b) Twelve per cent of the sum of its tax valuation plus an 6528  
amount that is the product of multiplying that tax valuation by 6529  
the percentage, determined by the superintendent of public 6530  
instruction, by which that tax valuation is projected to increase 6531  
during the next ten years. 6532

(F) A school district may issue securities for emergency 6533  
purposes, in a principal amount that does not exceed an amount 6534  
equal to three per cent of its tax valuation, as provided in this 6535  
division. 6536

(1) A board of education, by resolution, may declare an 6537  
emergency if it determines both of the following: 6538

(a) School buildings or other necessary school facilities in 6539  
the district have been wholly or partially destroyed, or condemned 6540  
by a constituted public authority, or that such buildings or 6541  
facilities are partially constructed, or so constructed or planned 6542  
as to require additions and improvements to them before the 6543  
buildings or facilities are usable for their intended purpose, or 6544  
that corrections to permanent improvements are necessary to remove 6545  
or prevent health or safety hazards. 6546

(b) Existing fiscal and net indebtedness limitations make 6547  
adequate replacement, additions, or improvements impossible. 6548

(2) Upon the declaration of an emergency, the board of 6549  
education may, by resolution, submit to the electors of the 6550  
district pursuant to section 133.18 of the Revised Code the 6551  
question of issuing securities for the purpose of paying the cost, 6552  
in excess of any insurance or condemnation proceeds received by 6553  
the district, of permanent improvements to respond to the 6554  
emergency need. 6555

(3) The procedures for the election shall be as provided in 6556  
section 133.18 of the Revised Code, except that: 6557

(a) The form of the ballot shall describe the emergency 6558  
existing, refer to this division as the authority under which the 6559  
emergency is declared, and state that the amount of the proposed 6560  
securities exceeds the limitations prescribed by division (B) of 6561  
this section; 6562

(b) The resolution required by division (B) of section 133.18 6563  
of the Revised Code shall be certified to the county auditor and 6564  
the board of elections at least one hundred days prior to the 6565  
election; 6566

(c) The county auditor shall advise and, not later than 6567  
ninety-five days before the election, confirm that advice by 6568  
certification to, the board of education of the information 6569

required by division (C) of section 133.18 of the Revised Code; 6570

(d) The board of education shall then certify its resolution 6571  
and the information required by division (D) of section 133.18 of 6572  
the Revised Code to the board of elections not less than ninety 6573  
days prior to the election. 6574

(4) Notwithstanding division (B) of section 133.21 of the 6575  
Revised Code, the first principal payment of securities issued 6576  
under this division may be set at any date not later than sixty 6577  
months after the earliest possible principal payment otherwise 6578  
provided for in that division. 6579

(G)(1) The board of education may contract with an architect, 6580  
professional engineer, or other person experienced in the design 6581  
and implementation of energy conservation measures for an analysis 6582  
and recommendations pertaining to installations, modifications of 6583  
installations, or remodeling that would significantly reduce 6584  
energy consumption in buildings owned by the district. The report 6585  
shall include estimates of all costs of such installations, 6586  
modifications, or remodeling, including costs of design, 6587  
engineering, installation, maintenance, repairs, measurement and 6588  
verification of energy savings, and debt service, forgone residual 6589  
value of materials or equipment replaced by the energy 6590  
conservation measure, as defined by the Ohio facilities 6591  
construction commission, a baseline analysis of actual energy 6592  
consumption data for the preceding three years with the utility 6593  
baseline based on only the actual energy consumption data for the 6594  
preceding twelve months, and estimates of the amounts by which 6595  
energy consumption and resultant operational and maintenance 6596  
costs, as defined by the commission, would be reduced. 6597

If the board finds after receiving the report that the amount 6598  
of money the district would spend on such installations, 6599  
modifications, or remodeling is not likely to exceed the amount of 6600  
money it would save in energy and resultant operational and 6601

maintenance costs over the ensuing fifteen years, the board may 6602  
submit to the commission a copy of its findings and a request for 6603  
approval to incur indebtedness to finance the making or 6604  
modification of installations or the remodeling of buildings for 6605  
the purpose of significantly reducing energy consumption. 6606

The facilities construction commission, in consultation with 6607  
the auditor of state, may deny a request under division (G)(1) of 6608  
this section by the board of education of any school district that 6609  
is in a state of fiscal watch pursuant to division (A) of section 6610  
3316.03 of the Revised Code, if it determines that the expenditure 6611  
of funds is not in the best interest of the school district. 6612

No district board of education of a school district that is 6613  
in a state of fiscal emergency pursuant to division (B) of section 6614  
3316.03 of the Revised Code shall submit a request without 6615  
submitting evidence that the installations, modifications, or 6616  
remodeling have been approved by the district's financial planning 6617  
and supervision commission established under section 3316.05 of 6618  
the Revised Code. 6619

No board of education of a school district for which an 6620  
academic distress commission has been established under section 6621  
3302.10 of the Revised Code shall submit a request without first 6622  
receiving approval to incur indebtedness from the district's 6623  
academic distress commission established under that section, for 6624  
so long as such commission continues to be required for the 6625  
district. 6626

(2) The board of education may contract with a person 6627  
experienced in the implementation of student transportation to 6628  
produce a report that includes an analysis of and recommendations 6629  
for the use of alternative fuel vehicles by school districts. The 6630  
report shall include cost estimates detailing the return on 6631  
investment over the life of the alternative fuel vehicles and 6632  
environmental impact of alternative fuel vehicles. The report also 6633

shall include estimates of all costs associated with alternative 6634  
fuel transportation, including facility modifications and vehicle 6635  
purchase costs or conversion costs. 6636

If the board finds after receiving the report that the amount 6637  
of money the district would spend on purchasing alternative fuel 6638  
vehicles or vehicle conversion is not likely to exceed the amount 6639  
of money it would save in fuel and resultant operational and 6640  
maintenance costs over the ensuing five years, the board may 6641  
submit to the commission a copy of its findings and a request for 6642  
approval to incur indebtedness to finance the purchase of new 6643  
alternative fuel vehicles or vehicle conversions for the purpose 6644  
of reducing fuel costs. 6645

The facilities construction commission, in consultation with 6646  
the auditor of state, may deny a request under division (G)(2) of 6647  
this section by the board of education of any school district that 6648  
is in a state of fiscal watch pursuant to division (A) of section 6649  
3316.03 of the Revised Code, if it determines that the expenditure 6650  
of funds is not in the best interest of the school district. 6651

No district board of education of a school district that is 6652  
in a state of fiscal emergency pursuant to division (B) of section 6653  
3316.03 of the Revised Code shall submit a request without 6654  
submitting evidence that the purchase or conversion of alternative 6655  
fuel vehicles has been approved by the district's financial 6656  
planning and supervision commission established under section 6657  
3316.05 of the Revised Code. 6658

No board of education of a school district for which an 6659  
academic distress commission has been established under section 6660  
3302.10 of the Revised Code shall submit a request without first 6661  
receiving approval to incur indebtedness from the district's 6662  
academic distress commission established under that section, for 6663  
so long as such commission continues to be required for the 6664  
district. 6665

(3) The facilities construction commission shall approve the board's request provided that the following conditions are satisfied:

(a) The commission determines that the board's findings are reasonable.

(b) The request for approval is complete.

(c) If the request was submitted under division (G)(1) of this section, the installations, modifications, or remodeling are consistent with any project to construct or acquire classroom facilities, or to reconstruct or make additions to existing classroom facilities under sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

Upon receipt of the commission's approval, the district may issue securities without a vote of the electors in a principal amount not to exceed nine-tenths of one per cent of its tax valuation for the purpose specified in division (G)(1) or (2) of this section, but the total net indebtedness of the district without a vote of the electors incurred under this and all other sections of the Revised Code, except section 3318.052 of the Revised Code, shall not exceed one per cent of the district's tax valuation.

(4)(a) So long as any securities issued under division (G)(1) of this section remain outstanding, the board of education shall monitor the energy consumption and resultant operational and maintenance costs of buildings in which installations or modifications have been made or remodeling has been done pursuant to that division. Except as provided in division (G)(4)(b) of this section, the board shall maintain and annually update a report in a form and manner prescribed by the facilities construction commission documenting the reductions in energy consumption and resultant operational and maintenance cost savings attributable to

such installations, modifications, or remodeling. The resultant 6697  
operational and maintenance cost savings shall be certified by the 6698  
school district treasurer. The report shall be submitted annually 6699  
to the commission. 6700

(b) If the facilities construction commission verifies that 6701  
the certified annual reports submitted to the commission by a 6702  
board of education under division (G)(4)(a) of this section 6703  
fulfill the guarantee required under division (B) of section 6704  
3313.372 of the Revised Code for three consecutive years, the 6705  
board of education shall no longer be subject to the annual 6706  
reporting requirements of division (G)(4)(a) of this section. 6707

(5) So long as any securities issued under division (G)(2) of 6708  
this section remain outstanding, the board of education shall 6709  
monitor the purchase of new alternative fuel vehicles or vehicle 6710  
conversions pursuant to that division. The board shall maintain 6711  
and annually update a report in a form and manner prescribed by 6712  
the facilities construction commission documenting the purchase of 6713  
new alternative fuel vehicles or vehicle conversions, the 6714  
associated environmental impact, and return on investment. The 6715  
resultant fuel and operational and maintenance cost savings shall 6716  
be certified by the school district treasurer. The report shall be 6717  
submitted annually to the commission. 6718

(H) With the consent of the superintendent of public 6719  
instruction, a school district may incur without a vote of the 6720  
electors net indebtedness that exceeds the amounts stated in 6721  
divisions (A) and (G) of this section for the purpose of paying 6722  
costs of permanent improvements, if and to the extent that both of 6723  
the following conditions are satisfied: 6724

(1) The fiscal officer of the school district estimates that 6725  
receipts of the school district from payments made under or 6726  
pursuant to agreements entered into pursuant to section 725.02, 6727  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 6728

5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 6729  
of the Revised Code, or distributions under division (C) of 6730  
section 5709.43 or division (B) of section 5709.47 of the Revised 6731  
Code, or any combination thereof, are, after accounting for any 6732  
appropriate coverage requirements, sufficient in time and amount, 6733  
and are committed by the proceedings, to pay the debt charges on 6734  
the securities issued to evidence that indebtedness and payable 6735  
from those receipts, and the taxing authority of the district 6736  
confirms the fiscal officer's estimate, which confirmation is 6737  
approved by the superintendent of public instruction; 6738

(2) The fiscal officer of the school district certifies, and 6739  
the taxing authority of the district confirms, that the district, 6740  
at the time of the certification and confirmation, reasonably 6741  
expects to have sufficient revenue available for the purpose of 6742  
operating such permanent improvements for their intended purpose 6743  
upon acquisition or completion thereof, and the superintendent of 6744  
public instruction approves the taxing authority's confirmation. 6745

The maximum maturity of securities issued under division (H) 6746  
of this section shall be the lesser of twenty years or the maximum 6747  
maturity calculated under section 133.20 of the Revised Code. 6748

(I) A school district may incur net indebtedness by the 6749  
issuance of securities in accordance with the provisions of this 6750  
chapter in excess of the limit specified in division (B) or (C) of 6751  
this section when necessary to raise the school district portion 6752  
of the basic project cost and any additional funds necessary to 6753  
participate in a project under Chapter 3318. of the Revised Code, 6754  
including the cost of items designated by the facilities 6755  
construction commission as required locally funded initiatives, 6756  
the cost of other locally funded initiatives in an amount that 6757  
does not exceed fifty per cent of the district's portion of the 6758  
basic project cost, and the cost for site acquisition. ~~The~~ 6759  
~~commission~~ A school district shall notify the superintendent of 6760

public instruction whenever a ~~school~~ that district will exceed 6761  
either limit pursuant to this division. 6762

(J) A school district whose portion of the basic project cost 6763  
of its classroom facilities project under sections 3318.01 to 6764  
3318.20 of the Revised Code is greater than or equal to one 6765  
hundred million dollars may incur without a vote of the electors 6766  
net indebtedness in an amount up to two per cent of its tax 6767  
valuation through the issuance of general obligation securities in 6768  
order to generate all or part of the amount of its portion of the 6769  
basic project cost if the controlling board has approved the 6770  
facilities construction commission's conditional approval of the 6771  
project under section 3318.04 of the Revised Code. The school 6772  
district board and the Ohio facilities construction commission 6773  
shall include the dedication of the proceeds of such securities in 6774  
the agreement entered into under section 3318.08 of the Revised 6775  
Code. No state moneys shall be released for a project to which 6776  
this section applies until the proceeds of any bonds issued under 6777  
this section that are dedicated for the payment of the school 6778  
district portion of the project are first deposited into the 6779  
school district's project construction fund. 6780

**Sec. 149.311.** (A) As used in this section: 6781

(1) "Historic building" means a building, including its 6782  
structural components, that is located in this state and that is 6783  
either individually listed on the national register of historic 6784  
places under 16 U.S.C. 470a, located in a registered historic 6785  
district, and certified by the state historic preservation officer 6786  
as being of historic significance to the district, or is 6787  
individually listed as an historic landmark designated by a local 6788  
government certified under 16 U.S.C. 470a(c). 6789

(2) "Qualified rehabilitation expenditures" means 6790  
expenditures paid or incurred during the rehabilitation period, 6791

and before and after that period as determined under 26 U.S.C. 47, 6792  
by an owner or qualified lessee of an historic building to 6793  
rehabilitate the building. "Qualified rehabilitation expenditures" 6794  
includes architectural or engineering fees paid or incurred in 6795  
connection with the rehabilitation, and expenses incurred in the 6796  
preparation of nomination forms for listing on the national 6797  
register of historic places. "Qualified rehabilitation 6798  
expenditures" does not include any of the following: 6799

(a) The cost of acquiring, expanding, or enlarging an 6800  
historic building; 6801

(b) Expenditures attributable to work done to facilities 6802  
related to the building, such as parking lots, sidewalks, and 6803  
landscaping; 6804

(c) New building construction costs. 6805

(3) "Owner" of an historic building means a person holding 6806  
the fee simple interest in the building. "Owner" does not include 6807  
the state or a state agency, or any political subdivision as 6808  
defined in section 9.23 of the Revised Code. 6809

(4) "Qualified lessee" means a person subject to a lease 6810  
agreement for an historic building and eligible for the federal 6811  
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 6812  
does not include the state or a state agency or political 6813  
subdivision as defined in section 9.23 of the Revised Code. 6814

(5) "Certificate owner" means the owner or qualified lessee 6815  
of an historic building to which a rehabilitation tax credit 6816  
certificate was issued under this section. 6817

(6) "Registered historic district" means an historic district 6818  
listed in the national register of historic places under 16 U.S.C. 6819  
470a, an historic district designated by a local government 6820  
certified under 16 U.S.C. 470a(c), or a local historic district 6821  
certified under 36 C.F.R. 67.8 and 67.9. 6822

(7) "Rehabilitation" means the process of repairing or 6823  
altering an historic building or buildings, making possible an 6824  
efficient use while preserving those portions and features of the 6825  
building and its site and environment that are significant to its 6826  
historic, architectural, and cultural values. 6827

(8) "Rehabilitation period" means one of the following: 6828

(a) If the rehabilitation initially was not planned to be 6829  
completed in stages, a period chosen by the owner or qualified 6830  
lessee not to exceed twenty-four months during which 6831  
rehabilitation occurs; 6832

(b) If the rehabilitation initially was planned to be 6833  
completed in stages, a period chosen by the owner or qualified 6834  
lessee not to exceed sixty months during which rehabilitation 6835  
occurs. Each stage shall be reviewed as a phase of a 6836  
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 6837  
successor to that section. 6838

(9) "State historic preservation officer" or "officer" means 6839  
the state historic preservation officer appointed by the governor 6840  
under 16 U.S.C. 470a. 6841

(10) "Catalytic project" means the rehabilitation of an 6842  
historic building, the rehabilitation of which will foster 6843  
economic development within two thousand five hundred feet of the 6844  
historic building. 6845

(B) The owner or qualified lessee of an historic building may 6846  
apply to the director of development ~~services~~ for a rehabilitation 6847  
tax credit certificate for qualified rehabilitation expenditures 6848  
paid or incurred by such owner or qualified lessee after April 4, 6849  
2007, for rehabilitation of an historic building. If the owner of 6850  
an historic building enters a pass-through agreement with a 6851  
qualified lessee for the purposes of the federal rehabilitation 6852  
tax credit under 26 U.S.C. 47, the qualified rehabilitation 6853

expenditures paid or incurred by the owner after April 4, 2007, 6854  
may be attributed to the qualified lessee. 6855

The form and manner of filing such applications shall be 6856  
prescribed by rule of the director. Each application shall state 6857  
the amount of qualified rehabilitation expenditures the applicant 6858  
estimates will be paid or incurred. The director may require 6859  
applicants to furnish documentation of such estimates. 6860

The director, after consultation with the tax commissioner 6861  
and in accordance with Chapter 119. of the Revised Code, shall 6862  
adopt rules that establish all of the following: 6863

(1) Forms and procedures by which applicants may apply for 6864  
rehabilitation tax credit certificates; 6865

(2) Criteria for reviewing, evaluating, and approving 6866  
applications for certificates within the limitations under 6867  
division (D) of this section, criteria for assuring that the 6868  
certificates issued encompass a mixture of high and low qualified 6869  
rehabilitation expenditures, and criteria for issuing certificates 6870  
under division (C)(3)(b) of this section; 6871

(3) Eligibility requirements for obtaining a certificate 6872  
under this section; 6873

(4) The form of rehabilitation tax credit certificates; 6874

(5) Reporting requirements and monitoring procedures; 6875

(6) Procedures and criteria for conducting cost-benefit 6876  
analyses of historic buildings that are the subjects of 6877  
applications filed under this section. The purpose of a 6878  
cost-benefit analysis shall be to determine whether rehabilitation 6879  
of the historic building will result in a net revenue gain in 6880  
state and local taxes once the building is used. 6881

(7) Any other rules necessary to implement and administer 6882  
this section. 6883

(C) The director ~~of development services~~ shall review the applications with the assistance of the state historic preservation officer and determine whether all of the following criteria are met:

(1) That the building that is the subject of the application is an historic building and the applicant is the owner or qualified lessee of the building;

(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section;

(3) That receiving a rehabilitation tax credit certificate under this section is a major factor in:

(a) The applicant's decision to rehabilitate the historic building; or

(b) To increase the level of investment in such rehabilitation.

An applicant shall demonstrate to the satisfaction of the state historic preservation officer and director ~~of development services~~ that the rehabilitation will satisfy the standards described in division (C)(2) of this section before the applicant begins the physical rehabilitation of the historic building.

(D)(1) If the director ~~of development services~~ determines that an application meets the criteria in divisions (C)(1), (2), and (3) of this section, the director shall conduct a cost-benefit analysis for the historic building that is the subject of the application to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used. The director shall consider the results of the cost-benefit analysis in determining whether to approve the application. The director shall also consider the

potential economic impact and the regional distributive balance of 6915  
the credits throughout the state. The director may approve an 6916  
application only after completion of the cost-benefit analysis. 6917

(2) A rehabilitation tax credit certificate shall not be 6918  
issued for an amount greater than the estimated amount furnished 6919  
by the applicant on the application for such certificate and 6920  
approved by the director. The director shall not approve more than 6921  
a total of sixty million dollars of rehabilitation tax credits per 6922  
fiscal year but the director may reallocate unused tax credits 6923  
from a prior fiscal year for new applicants and such reallocated 6924  
credits shall not apply toward the dollar limit of this division. 6925

(3) For rehabilitations with a rehabilitation period not 6926  
exceeding twenty-four months as provided in division (A)(8)(a) of 6927  
this section, a rehabilitation tax credit certificate shall not be 6928  
issued before the rehabilitation of the historic building is 6929  
completed. 6930

(4) For rehabilitations with a rehabilitation period not 6931  
exceeding sixty months as provided in division (A)(8)(b) of this 6932  
section, a rehabilitation tax credit certificate shall not be 6933  
issued before a stage of rehabilitation is completed. After all 6934  
stages of rehabilitation are completed, if the director cannot 6935  
determine that the criteria in division (C) of this section are 6936  
satisfied for all stages of rehabilitations, the director shall 6937  
certify this finding to the tax commissioner, and any 6938  
rehabilitation tax credits received by the applicant shall be 6939  
repaid by the applicant and may be collected by assessment as 6940  
unpaid tax by the commissioner. 6941

(5) The director ~~of development services~~ shall require the 6942  
applicant to provide a third-party cost certification by a 6943  
certified public accountant of the actual costs attributed to the 6944  
rehabilitation of the historic building when qualified 6945  
rehabilitation expenditures exceed two hundred thousand dollars. 6946

If an applicant whose application is approved for receipt of a rehabilitation tax credit certificate fails to provide to the director sufficient evidence of reviewable progress, including a viable financial plan, copies of final construction drawings, and evidence that the applicant has obtained all historic approvals within twelve months after the date the applicant received notification of approval, and if the applicant fails to provide evidence to the director that the applicant has secured and closed on financing for the rehabilitation within eighteen months after receiving notification of approval, the director may rescind the approval of the application. The director shall notify the applicant if the approval has been rescinded. Credits that would have been available to an applicant whose approval was rescinded shall be available for other qualified applicants. Nothing in this division prohibits an applicant whose approval has been rescinded from submitting a new application for a rehabilitation tax credit certificate.

(6) The director ~~of development services~~ may approve the application of, and issue a rehabilitation tax credit certificate to, the owner of a catalytic project, provided the application otherwise meets the criteria described in divisions (C) and (D) of this section. The director may not approve more than one application for a rehabilitation tax credit certificate under division (D)(6) of this section during each state fiscal biennium. The director shall not approve an application for a rehabilitation tax credit certificate under division (D)(6) of this section during the state fiscal biennium beginning July 1, 2017, or during any state fiscal biennium thereafter. The director shall consider the following criteria in determining whether to approve an application for a certificate under division (D)(6) of this section:

(a) Whether the historic building is a catalytic project;

(b) The effect issuance of the certificate would have on the 6979  
availability of credits for other applicants that qualify for a 6980  
credit certificate within the credit dollar limit described in 6981  
division (D)(2) of this section; 6982

(c) The number of jobs, if any, the catalytic project will 6983  
create. 6984

(7)(a) The owner or qualified lessee of a historic building 6985  
may apply for a rehabilitation tax credit certificate under both 6986  
divisions (B) and (D)(6) of this section. In such a case, the 6987  
director ~~of development services~~ shall consider each application 6988  
at the time the application is submitted. 6989

(b) The director ~~of development services~~ shall not issue more 6990  
than one certificate under this section with respect to the same 6991  
qualified rehabilitation expenditures. 6992

(E) Issuance of a certificate represents a finding by the 6993  
director ~~of development services~~ of the matters described in 6994  
divisions (C)(1), (2), and (3) of this section only; issuance of a 6995  
certificate does not represent a verification or certification by 6996  
the director of the amount of qualified rehabilitation 6997  
expenditures for which a tax credit may be claimed under section 6998  
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 6999  
Revised Code. The amount of qualified rehabilitation expenditures 7000  
for which a tax credit may be claimed is subject to inspection and 7001  
examination by the tax commissioner or employees of the 7002  
commissioner under section 5703.19 of the Revised Code and any 7003  
other applicable law. Upon the issuance of a certificate, the 7004  
director shall certify to the tax commissioner, in the form and 7005  
manner requested by the tax commissioner, the name of the 7006  
applicant, the amount of qualified rehabilitation expenditures 7007  
shown on the certificate, and any other information required by 7008  
the rules adopted under this section. 7009

(F)(1) On or before the first day of August each year, the 7010  
director ~~of development services~~ and tax commissioner jointly 7011  
shall submit to the president of the senate and the speaker of the 7012  
house of representatives a report on the tax credit program 7013  
established under this section and sections 5725.151, 5725.34, 7014  
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 7015  
report shall present an overview of the program and shall include 7016  
information on the number of rehabilitation tax credit 7017  
certificates issued under this section during the preceding fiscal 7018  
year, an update on the status of each historic building for which 7019  
an application was approved under this section, the dollar amount 7020  
of the tax credits granted under sections 5725.151, 5725.34, 7021  
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 7022  
any other information the director and commissioner consider 7023  
relevant to the topics addressed in the report. 7024

(2) On or before December 1, 2015, the director ~~of~~ 7025  
~~development services~~ and tax commissioner jointly shall submit to 7026  
the president of the senate and the speaker of the house of 7027  
representatives a comprehensive report that includes the 7028  
information required by division (F)(1) of this section and a 7029  
detailed analysis of the effectiveness of issuing tax credits for 7030  
rehabilitating historic buildings. The report shall be prepared 7031  
with the assistance of an economic research organization jointly 7032  
chosen by the director and commissioner. 7033

(G) There is hereby created in the state treasury the 7034  
historic rehabilitation tax credit operating fund. The director ~~of~~ 7035  
~~development services~~ is authorized to charge reasonable 7036  
application and other fees in connection with the administration 7037  
of tax credits authorized by this section and sections 5725.151, 7038  
5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised 7039  
Code. Any such fees collected shall be credited to the fund and 7040  
used to pay reasonable costs incurred by the department of 7041

development ~~services~~ in administering this section and sections 7042  
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the 7043  
Revised Code. 7044

The Ohio historic preservation office is authorized to charge 7045  
reasonable fees in connection with its review and approval of 7046  
applications under this section. Any such fees collected shall be 7047  
credited to the fund and used to pay administrative costs incurred 7048  
by the Ohio historic preservation office pursuant to this section. 7049

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 7050  
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate 7051  
owner of a tax credit certificate issued under division (D)(6) of 7052  
this section may claim a tax credit equal to twenty-five per cent 7053  
of the dollar amount indicated on the certificate for a total 7054  
credit of not more than twenty-five million dollars. The credit 7055  
claimed by such a certificate owner for any calendar year, tax 7056  
year, or taxable year under section 5725.151, 5725.34, 5726.52, 7057  
5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed 7058  
five million dollars. If the certificate owner is eligible for 7059  
more than five million dollars in total credits, the certificate 7060  
owner may carry forward the balance of the credit in excess of the 7061  
amount claimed for that year for not more than five ensuing 7062  
calendar years, tax years, or taxable years. If the credit claimed 7063  
in any calendar year, tax year, or taxable year exceeds the tax 7064  
otherwise due, the excess shall be refunded to the taxpayer. 7065

(I) The director of development ~~services~~, in consultation 7066  
with the director of budget and management, shall develop and 7067  
adopt a system of tracking any information necessary to anticipate 7068  
the impact of credits issued under this section on tax revenues 7069  
for current and future fiscal years. Such information may include 7070  
the number of applications approved, the estimated rehabilitation 7071  
expenditures and rehabilitation period associated with such 7072  
applications, the number and amount of tax credit certificates 7073

issued, and any other information the director of budget and 7074  
management requires for the purposes of this division. 7075

**Sec. 149.434.** (A) Each public office or person responsible 7076  
for public records shall maintain a database or a list that 7077  
includes the name ~~and date of birth~~ of all public officials and 7078  
employees elected to or employed by that public office. The 7079  
database or list is a public record and shall be made available 7080  
upon a request made pursuant to section 149.43 of the Revised 7081  
Code. 7082

(B) As used in this section: 7083

(1) "Employee" has the same meaning as in section 9.40 of the 7084  
Revised Code. 7085

(2) "Public official" has the same meaning as in section 7086  
117.01 of the Revised Code. 7087

(3) "Public record" has the same meaning as in section 149.43 7088  
of the Revised Code. 7089

**Sec. 155.011.** The owner of any tract of land in which the 7090  
state has retained the gas, oil, coal, and other mineral rights 7091  
and right of entry may acquire such rights by purchase from the 7092  
state. Such owner desiring to purchase such rights shall make 7093  
application to the director of administrative services. This 7094  
application shall be in such manner and form and shall contain 7095  
such information as prescribed by the director. The said 7096  
application shall have a deposit of a sum sufficient to pay the 7097  
appraisal fees together with evidence of title to the land in 7098  
which the applicant desires to purchase the mineral rights affixed 7099  
thereto. 7100

Upon receipt of the application, evidence of title, and the 7101  
deposit, the director shall cause the mineral rights to be 7102  
appraised by three disinterested persons. The director shall 7103

determine the fee that each appraiser shall receive. All appraisal 7104  
fees shall be paid from the deposit posted by the applicant. If 7105  
the deposit exceeds the appraisal fees the balance shall be 7106  
returned to the applicant. 7107

The appraisal value when approved by the director of 7108  
administrative services shall constitute the purchase price. The 7109  
director shall notify the applicant of the purchase price by 7110  
certified or registered mail. Upon receipt of the purchase price 7111  
~~by the director of administrative services, the auditor of state~~ 7112  
director shall prepare, with the assistance of the attorney 7113  
general, a deed which shall be executed by the governor, 7114  
countersigned by the secretary of state, recorded in the office of 7115  
the ~~auditor of state~~ director of administrative services, and 7116  
delivered to the purchaser; provided, that if the purchase price 7117  
has not been received within ninety days after notice of the 7118  
purchase price was delivered to the applicant, the purchase price 7119  
shall no longer be valid and a new application shall be 7120  
instituted, a new deposit tendered, and a new appraisal had on the 7121  
mineral rights. 7122

If the applicant fails to purchase the mineral rights within 7123  
one year from the date of the initial application instituted by 7124  
such applicant, a purchase by such applicant may be had only upon 7125  
a determination by the director of administrative services that 7126  
such sale would be in the best interests of the state. 7127

Any deed of conveyance issued under authority of this section 7128  
shall be subject to existing easements, rights-of-way, and legal 7129  
highways. 7130

Net sale proceeds shall be credited to the general revenue 7131  
fund except when the rights disposed of were entrusted to the 7132  
state for school or religious purposes. 7133

**Sec. 166.01.** As used in this chapter: 7134

(A) "Allowable costs" means all or part of the costs of 7135  
project facilities, eligible projects, eligible innovation 7136  
projects, eligible research and development projects, eligible 7137  
advanced energy projects, or eligible logistics and distribution 7138  
projects, including costs of acquiring, constructing, 7139  
reconstructing, rehabilitating, renovating, enlarging, improving, 7140  
equipping, or furnishing project facilities, eligible projects, 7141  
eligible innovation projects, eligible research and development 7142  
projects, eligible advanced energy projects, or eligible logistics 7143  
and distribution projects, site clearance and preparation, 7144  
supplementing and relocating public capital improvements or 7145  
utility facilities, designs, plans, specifications, surveys, 7146  
studies, and estimates of costs, expenses necessary or incident to 7147  
determining the feasibility or practicability of assisting an 7148  
eligible project, an eligible innovation project, an eligible 7149  
research and development project, an eligible advanced energy 7150  
project, or an eligible logistics and distribution project, or 7151  
providing project facilities or facilities related to an eligible 7152  
project, an eligible innovation project, an eligible research and 7153  
development project, an eligible advanced energy project, or an 7154  
eligible logistics and distribution project, architectural, 7155  
engineering, and legal services fees and expenses, the costs of 7156  
conducting any other activities as part of a voluntary action, and 7157  
such other expenses as may be necessary or incidental to the 7158  
establishment or development of an eligible project, an eligible 7159  
innovation project, an eligible research and development project, 7160  
an eligible advanced energy project, or an eligible logistics and 7161  
distribution project, and reimbursement of moneys advanced or 7162  
applied by any governmental agency or other person for allowable 7163  
costs. 7164

(B) "Allowable innovation costs" includes allowable costs of 7165  
eligible innovation projects and, in addition, includes the costs 7166  
of research and development of eligible innovation projects; 7167

obtaining or creating any requisite software or computer hardware 7168  
related to an eligible innovation project or the products or 7169  
services associated therewith; testing (including, without 7170  
limitation, quality control activities necessary for initial 7171  
production), perfecting, and marketing of such products and 7172  
services; creating and protecting intellectual property related to 7173  
an eligible innovation project or any products or services related 7174  
thereto, including costs of securing appropriate patent, 7175  
trademark, trade secret, trade dress, copyright, or other form of 7176  
intellectual property protection for an eligible innovation 7177  
project or related products and services; all to the extent that 7178  
such expenditures could be capitalized under then-applicable 7179  
generally accepted accounting principles; and the reimbursement of 7180  
moneys advanced or applied by any governmental agency or other 7181  
person for allowable innovation costs. 7182

(C) "Eligible innovation project" includes an eligible 7183  
project, including any project facilities associated with an 7184  
eligible innovation project and, in addition, includes all 7185  
tangible and intangible property related to a new product or 7186  
process based on new technology or the creative application of 7187  
existing technology, including research and development, product 7188  
or process testing, quality control, market research, and related 7189  
activities, that is to be acquired, established, expanded, 7190  
remodeled, rehabilitated, or modernized for industry, commerce, 7191  
distribution, or research, or any combination thereof, the 7192  
operation of which, alone or in conjunction with other eligible 7193  
projects, eligible innovation projects, or innovation property, 7194  
will create new jobs or preserve existing jobs and employment 7195  
opportunities and improve the economic welfare of the people of 7196  
the state. 7197

(D) "Eligible project" means project facilities to be 7198  
acquired, established, expanded, remodeled, rehabilitated, or 7199

modernized for industry, commerce, distribution, or research, or 7200  
any combination thereof, the operation of which, alone or in 7201  
conjunction with other facilities, will create new jobs or 7202  
preserve existing jobs and employment opportunities and improve 7203  
the economic welfare of the people of the state. "Eligible 7204  
project" includes, without limitation, a voluntary action. For 7205  
purposes of this division, "new jobs" does not include existing 7206  
jobs transferred from another facility within the state, and 7207  
"existing jobs" includes only those existing jobs with work places 7208  
within the municipal corporation or unincorporated area of the 7209  
county in which the eligible project is located. 7210

"Eligible project" does not include project facilities to be 7211  
acquired, established, expanded, remodeled, rehabilitated, or 7212  
modernized for industry, commerce, distribution, or research, or 7213  
any combination of industry, commerce, distribution, or research, 7214  
if the project facilities consist solely of 7215  
point-of-final-purchase retail facilities. If the project 7216  
facilities consist of both point-of-final-purchase retail 7217  
facilities and nonretail facilities, only the portion of the 7218  
project facilities consisting of nonretail facilities is an 7219  
eligible project. If a warehouse facility is part of a 7220  
point-of-final-purchase retail facility and supplies only that 7221  
facility, the warehouse facility is not an eligible project. 7222  
Catalog distribution facilities are not considered 7223  
point-of-final-purchase retail facilities for purposes of this 7224  
paragraph, and are eligible projects. 7225

(E) "Eligible research and development project" means an 7226  
eligible project, including project facilities, comprising, 7227  
within, or related to, a facility or portion of a facility at 7228  
which research is undertaken for the purpose of discovering 7229  
information that is technological in nature and the application of 7230  
which is intended to be useful in the development of a new or 7231

improved product, process, technique, formula, or invention, a new 7232  
product or process based on new technology, or the creative 7233  
application of existing technology. 7234

(F) "Financial assistance" means inducements under division 7235  
(B) of section 166.02 of the Revised Code, loan guarantees under 7236  
section 166.06 of the Revised Code, and direct loans under section 7237  
166.07 of the Revised Code. 7238

(G) "Governmental action" means any action by a governmental 7239  
agency relating to the establishment, development, or operation of 7240  
an eligible project, eligible innovation project, eligible 7241  
research and development project, eligible advanced energy 7242  
project, or eligible logistics and distribution project, and 7243  
project facilities that the governmental agency acting has 7244  
authority to take or provide for the purpose under law, including, 7245  
but not limited to, actions relating to contracts and agreements, 7246  
zoning, building, permits, acquisition and disposition of 7247  
property, public capital improvements, utility and transportation 7248  
service, taxation, employee recruitment and training, and liaison 7249  
and coordination with and among governmental agencies. 7250

(H) "Governmental agency" means the state and any state 7251  
department, division, commission, institution or authority; a 7252  
municipal corporation, county, or township, and any agency 7253  
thereof, and any other political subdivision or public corporation 7254  
or the United States or any agency thereof; any agency, 7255  
commission, or authority established pursuant to an interstate 7256  
compact or agreement; and any combination of the above. 7257

(I) "Innovation financial assistance" means inducements under 7258  
division (B) of section 166.12 of the Revised Code, innovation 7259  
Ohio loan guarantees under section 166.15 of the Revised Code, and 7260  
innovation Ohio loans under section 166.16 of the Revised Code. 7261

(J) "Innovation Ohio loan guarantee reserve requirement" 7262

means, at any time, with respect to innovation loan guarantees 7263  
made under section 166.15 of the Revised Code, a balance in the 7264  
innovation Ohio loan guarantee fund equal to the greater of twenty 7265  
per cent of the then-outstanding principal amount of all 7266  
outstanding innovation loan guarantees made pursuant to section 7267  
166.15 of the Revised Code or fifty per cent of the principal 7268  
amount of the largest outstanding guarantee made pursuant to 7269  
section 166.15 of the Revised Code. 7270

(K) "Innovation property" includes property and also includes 7271  
software, inventory, licenses, contract rights, goodwill, 7272  
intellectual property, including without limitation, patents, 7273  
patent applications, trademarks and service marks, and trade 7274  
secrets, and other tangible and intangible property, and any 7275  
rights and interests in or connected to the foregoing. 7276

(L) "Loan guarantee reserve requirement" means, at any time, 7277  
with respect to loan guarantees made under section 166.06 of the 7278  
Revised Code, a balance in the loan guarantee fund equal to the 7279  
greater of twenty per cent of the then-outstanding principal 7280  
amount of all outstanding guarantees made pursuant to section 7281  
166.06 of the Revised Code or fifty per cent of the principal 7282  
amount of the largest outstanding guarantee made pursuant to 7283  
section 166.06 of the Revised Code. 7284

(M) "Person" means any individual, firm, partnership, 7285  
association, corporation, or governmental agency, and any 7286  
combination thereof. 7287

(N) "Project facilities" means buildings, structures, and 7288  
other improvements, and equipment and other property, excluding 7289  
small tools, supplies, and inventory, and any one, part of, or 7290  
combination of the above, comprising all or part of, or serving or 7291  
being incidental to, an eligible project, an eligible innovation 7292  
project, an eligible research and development project, an eligible 7293  
advanced energy project, or an eligible logistics and distribution 7294

project, including, but not limited to, public capital	7295
improvements.	7296
(O) "Property" means real and personal property and interests	7297
therein.	7298
(P) "Public capital improvements" means capital improvements	7299
or facilities that any governmental agency has authority to	7300
acquire, pay the costs of, own, maintain, or operate, or to	7301
contract with other persons to have the same done, including, but	7302
not limited to, highways, roads, streets, water and sewer	7303
facilities, railroad and other transportation facilities, and air	7304
and water pollution control and solid waste disposal facilities.	7305
For purposes of this division, "air pollution control facilities"	7306
includes, without limitation, solar, geothermal, biofuel, biomass,	7307
wind, hydro, wave, and other advanced energy projects as defined	7308
in section 3706.25 of the Revised Code.	7309
(Q) "Research and development financial assistance" means	7310
inducements under section 166.17 of the Revised Code, research and	7311
development loans under section 166.21 of the Revised Code, and	7312
research and development tax credits under sections 5733.352 and	7313
5747.331 of the Revised Code.	7314
(R) "Targeted innovation industry sectors" means industry	7315
sectors involving the production or use of advanced materials,	7316
instruments, controls and electronics, power and propulsion,	7317
biosciences, and information technology, or such other sectors as	7318
may be designated by the director of development <del>services</del> .	7319
(S) "Voluntary action" means a voluntary action, as defined	7320
in section 3746.01 of the Revised Code, that is conducted under	7321
the voluntary action program established in Chapter 3746. of the	7322
Revised Code.	7323
(T) "Project financing obligations" means obligations issued	7324
pursuant to section 166.08 of the Revised Code other than	7325

obligations for which the bond proceedings provide that bond 7326  
service charges shall be paid from receipts of the state 7327  
representing gross profit on the sale of spirituous liquor as 7328  
referred to in division (B)(4) of section 4310.10 of the Revised 7329  
Code. 7330

(U) "Regional economic development entity" means an entity 7331  
that is under contract with the director to administer a loan 7332  
program under this chapter in a particular area of this state. 7333

(V) "Eligible advanced energy project" means an eligible 7334  
project that is an "advanced energy project" as defined in section 7335  
3706.25 of the Revised Code. 7336

(W) "Eligible logistics and distribution project" means an 7337  
eligible project, including project facilities, to be acquired, 7338  
established, expanded, remodeled, rehabilitated, or modernized for 7339  
transportation logistics and distribution infrastructure purposes. 7340  
As used in this division, "transportation logistics and 7341  
distribution infrastructure purposes" means promoting, providing 7342  
for, and enabling improvements to the ground, air, and water 7343  
transportation infrastructure comprising the transportation system 7344  
in this state, including, without limitation, highways, streets, 7345  
roads, bridges, railroads carrying freight, and air and water 7346  
ports and port facilities, and all related supporting facilities. 7347

~~(X) "Department of development" means the development 7348  
services agency and "director of development" means the director 7349  
of development services. 7350~~

**Sec. 166.03.** (A) There is hereby created the facilities 7351  
establishment fund within the state treasury, consisting of 7352  
proceeds from the issuance of obligations as specified under 7353  
section 166.08 of the Revised Code; the moneys received by the 7354  
state from the sources specified in section 166.09 of the Revised 7355  
Code; service charges imposed under sections 166.06 and 166.07 of 7356

the Revised Code; any grants, gifts, or contributions of moneys 7357  
received by the director of development ~~services~~ to be used for 7358  
loans made under section 166.07 of the Revised Code or for the 7359  
payment of the allowable costs of project facilities; and all 7360  
other moneys appropriated or transferred to the fund. Moneys in 7361  
the loan guarantee fund in excess of the loan guarantee reserve 7362  
requirement, but subject to the provisions and requirements of any 7363  
guarantee contracts, may be transferred to the facilities 7364  
establishment fund by the treasurer of state upon the order of the 7365  
director of development ~~services~~. Moneys received by the state 7366  
under Chapter 122. of the Revised Code, to the extent allocable to 7367  
the utilization of moneys derived from proceeds of the sale of 7368  
obligations pursuant to section 166.08 of the Revised Code, shall 7369  
be credited to the facilities establishment fund. All investment 7370  
earnings on the cash balance in the fund shall be credited to the 7371  
fund. 7372

(B) All moneys appropriated or transferred to the facilities 7373  
establishment fund may be released at the request of the director 7374  
of development ~~services~~ for payment of allowable costs or the 7375  
making of loans under section 166.07 of the Revised Code, for 7376  
transfer to the loan guarantee fund established in section 166.06 7377  
of the Revised Code, or for use for the purpose of or transfer to 7378  
the funds established by sections 122.35, 122.42, 122.54, 122.55, 7379  
122.56, 122.561, 122.57, 122.601, and 122.80 of the Revised Code 7380  
and, until July 1, 2003, the fund established by section 166.031 7381  
of the Revised Code, and, until July 1, 2007, the fund established 7382  
by section 122.26 of the Revised Code, but only for such of those 7383  
purposes as are within the authorization of Section 13 of Article 7384  
VIII, Ohio Constitution, in all cases subject to the approval of 7385  
the controlling board. 7386

(C) The department of development ~~services~~ ~~agency~~, in the 7387  
administration of the facilities establishment fund, is encouraged 7388

to utilize and promote the utilization of, to the maximum 7389  
practicable extent, the other existing programs, business 7390  
incentives, and tax incentives that department is required or 7391  
authorized to administer or supervise. 7392

**Sec. 166.27.** (A) As used in this section, "minority" has the 7393  
same meaning as in section 184.17 of the Revised Code, except that 7394  
the individual must be a resident of this state. The term also 7395  
includes an economically disadvantaged individual who is a 7396  
resident of this state. 7397

(B) The director of development shall conduct outreach 7398  
activities in Ohio that seek to include minorities in the loan 7399  
program for logistics and distribution projects established under 7400  
section 166.25 of the Revised Code. The outreach activities shall 7401  
include the following, when appropriate: 7402

(1) Identifying and partnering with historically black 7403  
colleges and universities; 7404

(2) Working with all institutions of higher education in the 7405  
state to support minority faculty and students involved in 7406  
logistics and distribution fields; 7407

(3) Developing a plan to contact by telephone minority-owned 7408  
businesses and entrepreneurs and other economically disadvantaged 7409  
businesses to notify them of opportunities to participate in the 7410  
loan program for logistics and distribution projects; 7411

(4) Identifying minority professional and technical trade 7412  
associations and economic development assistance organizations and 7413  
notifying them of the loan program for logistics and distribution 7414  
projects; 7415

(5) Partnering with regional councils to foster local efforts 7416  
to support minority-owned businesses or otherwise identify 7417  
networks of minority-owned businesses, entrepreneurs, and 7418

individuals operating locally; 7419

(6) Identifying minority firms and notifying them of the 7420  
opportunities that exist within the investment community, 7421  
including the Ohio venture capital authority created under section 7422  
150.02 of the Revised Code. 7423

(C) The director shall publish an annual report that includes 7424  
all of the following: 7425

(1) Details of loans awarded for logistics and distribution 7426  
projects; 7427

(2) The status of loan recipients' projects funded in 7428  
previous years; 7429

(3) The amount of loans awarded for projects in economically 7430  
distressed areas, and if possible to ascertain, the impact of the 7431  
loans to those areas. 7432

(D) To the extent possible, outreach activities described in 7433  
this section shall be conducted in conjunction with the EDGE 7434  
program created in section ~~123.152~~122.922 of the Revised Code. 7435

**Sec. 169.05.** (A) Every holder required to file a report under 7436  
section 169.03 of the Revised Code shall, at the time of filing, 7437  
pay to the director of commerce ten per cent of the aggregate 7438  
amount of unclaimed funds as shown on the report, except for 7439  
aggregate amounts of fifty dollars or less in which case one 7440  
hundred per cent shall be paid. The funds may be deposited by the 7441  
director in the state treasury to the credit of the unclaimed 7442  
funds trust fund, which is hereby created, or placed with a 7443  
financial organization. Any interest earned on money in the trust 7444  
fund shall be credited to the trust fund. The remainder of the 7445  
aggregate amount of unclaimed funds as shown on the report, plus 7446  
earnings accrued to date of payment to the director, shall, at the 7447  
option of the director, be retained by the holder or paid to the 7448

director for deposit as agent for the mortgage funds with a 7449  
financial organization as defined in section 169.01 of the Revised 7450  
Code, with the funds to be in income-bearing accounts to the 7451  
credit of the mortgage funds, or the holder may enter into an 7452  
agreement with the director specifying the obligations of the 7453  
United States in which funds are to be invested, and agree to pay 7454  
the interest on the obligations to the state. Holders retaining 7455  
any funds not in obligations of the United States shall enter into 7456  
an agreement with the director specifying the classification of 7457  
income-bearing account in which the funds will be held and pay the 7458  
state interest on the funds at a rate equal to the prevailing 7459  
market rate for similar funds. Moneys that the holder is required 7460  
to pay to the director rather than to retain may be deposited with 7461  
the treasurer of state, or placed with a financial organization. 7462

Securities and other intangible property transferred to the 7463  
director shall, within a reasonable time, be converted to cash and 7464  
the proceeds deposited as provided for other funds. 7465

One-half of the funds evidenced by agreements, in 7466  
income-bearing accounts, or on deposit with the treasurer of state 7467  
shall be allocated on the records of the director to the mortgage 7468  
insurance fund created by section 122.561 of the Revised Code. Out 7469  
of the remaining half, after allocation of sufficient moneys to 7470  
the minority business bonding fund to meet the provisions of 7471  
division (B) of this section, the remainder shall be allocated on 7472  
the records of the director to the housing development fund 7473  
created by division (A) of section 175.11 of the Revised Code. 7474

(B) The director shall serve as agent for the director of 7475  
development and as agent for the Ohio housing finance agency in 7476  
making deposits and withdrawals and maintaining records pertaining 7477  
to the minority business bonding fund created by section 122.88 of 7478  
the Revised Code, the mortgage insurance fund, and the housing 7479  
development fund created by section 175.11 of the Revised Code. 7480

Funds from the mortgage insurance fund are available to the 7481  
director of development when those funds are to be disbursed to 7482  
prevent or cure, or upon the occurrence of, a default of a 7483  
mortgage insured pursuant to section 122.451 of the Revised Code. 7484  
Funds from the housing development fund are available upon request 7485  
to the Ohio housing finance agency, in an amount not to exceed the 7486  
funds allocated on the records of the director, for the purposes 7487  
of section 175.05 of the Revised Code. Funds from the minority 7488  
business bonding fund are available to the director of development 7489  
upon request to pay obligations on bonds the director writes 7490  
pursuant to section 122.88 of the Revised Code; except that, 7491  
unless the general assembly authorizes additional amounts, the 7492  
total maximum amount of moneys that may be allocated to the 7493  
minority business bonding fund under this division is ten million 7494  
dollars. 7495

When funds are to be disbursed, the appropriate agency shall 7496  
call upon the director to transfer the necessary funds to it. The 7497  
director shall first withdraw the funds paid by the holders and 7498  
deposited with the treasurer of state or in a financial 7499  
institution as agent for the funds. Whenever these funds are 7500  
inadequate to meet the request, the director shall provide for a 7501  
withdrawal of funds, within a reasonable time and in the amount 7502  
necessary to meet the request, from financial institutions in 7503  
which the funds were retained or placed by a holder and from other 7504  
holders who have retained funds, in an equitable manner as the 7505  
director prescribes. In the event that the amount to be withdrawn 7506  
from any one holder is less than five hundred dollars, the amount 7507  
to be withdrawn is at the director's discretion. The director 7508  
shall then transfer to the agency the amount of funds requested. 7509

Funds deposited in the unclaimed funds trust fund are subject 7510  
to call by the director when necessary to pay claims the director 7511  
allows under section 169.08 of the Revised Code, in accordance 7512

with the director's rules, to defray the necessary costs of making 7513  
publications this chapter requires and to pay other operating and 7514  
administrative expenses the department of commerce incurs in the 7515  
administration and enforcement of this chapter. 7516

The unclaimed funds trust fund shall be assessed a 7517  
proportionate share of the administrative costs of the department 7518  
of commerce in accordance with procedures the director of commerce 7519  
prescribes ~~and the director of budget and management approves~~. The 7520  
assessment shall be paid from the unclaimed funds trust fund to 7521  
the division of administration fund. 7522

(C) Earnings on the accounts in financial organizations to 7523  
the credit of the mortgage funds shall, at the option of the 7524  
financial organization, be credited to the accounts at times and 7525  
at rates as earnings are paid on other accounts of the same 7526  
classification held in the financial organization or paid to the 7527  
director. The director shall be notified annually, and at other 7528  
times as the director may request, of the amount of the earnings 7529  
credited to the accounts. Interest on unclaimed funds a holder 7530  
retains shall be paid to the director or credited as specified in 7531  
the agreement under which the organization retains the funds. 7532  
Interest payable to the director under an agreement to invest 7533  
unclaimed funds in income-bearing accounts or obligations of the 7534  
United States shall be paid annually by the holder to the 7535  
director. Any earnings or interest the director receives under 7536  
this division shall be deposited in and credited to the mortgage 7537  
funds. 7538

**Sec. 169.07.** (A) Upon the payment or delivery of unclaimed 7539  
funds to the director of commerce ~~under section 169.05 of the~~ 7540  
~~Revised Code~~ in good faith and in compliance with this chapter, 7541  
the holder will be relieved of further responsibility for the 7542  
safe-keeping thereof and will be held harmless by the state from 7543

any and all liabilities for any claim arising out of the transfer 7544  
of such funds to the state to the extent of the value of the 7545  
property paid or delivered determined as of the time of such 7546  
payment or delivery. 7547

(B) If legal proceedings are instituted against a holder 7548  
which has paid unclaimed funds to the director or entered into an 7549  
agreement as provided in section 169.05 of the Revised Code in 7550  
respect to such funds, such holder shall notify the director in 7551  
writing of the pendency of such proceedings and not later than 7552  
fourteen days after the date process was served on the holder. 7553  
Failure to give such notice absolves the state from any liability 7554  
that it may otherwise have with regard to such unclaimed funds 7555  
beyond the value of the property paid or delivered to the 7556  
director. 7557

Upon the proper notice, the director may take such action as 7558  
the director considers necessary or expedient to protect the 7559  
interests of the state. If the director shall elects to intervene 7560  
and assume the defense of such proceedings. ~~Failure to give such~~ 7561  
~~notice shall absolve the state from any and all liability which it~~ 7562  
~~may have with regard to such funds. If and~~ judgment is entered 7563  
against such holder, the director shall, upon proof of 7564  
satisfaction of such judgment, forthwith reimburse such 7565  
organization for the amount of the judgment or enter into an 7566  
agreement modified to reflect the satisfaction of such judgment, 7567  
if the holder retained such funds, and shall reimburse such holder 7568  
for any legal fees, costs and other expenses incurred in such 7569  
proceedings in the manner provided for the payment of claims under 7570  
divisions (D) and (E) of section 169.08 of the Revised Code. 7571

If the director elects not to intervene and assume the 7572  
defense of such proceedings, and judgment is entered against such 7573  
holder for any amount paid to the director pursuant to this 7574  
chapter, the director shall upon proof of satisfaction of such 7575

judgment, forthwith reimburse such organization for the amount so 7576  
paid or enter into an agreement modified to reflect the 7577  
satisfaction of such judgment, if the holder retained such funds, 7578  
to the extent of the value of the property paid or delivered. 7579

(C) No person has a claim against the state, the holder, or a 7580  
transfer agent, registrar, or other person acting for or on behalf 7581  
of a holder for any change in the market value of unclaimed funds 7582  
occurring after delivery by the holder to the division, or after 7583  
sale of the property by the division. 7584

**Sec. 169.13.** (A)(1) All agreements to pay a fee, 7585  
compensation, commission, or other remuneration to locate, 7586  
deliver, recover, or assist in the recovery of unclaimed funds 7587  
reported under section 169.03 of the Revised Code, entered into 7588  
within two years immediately after the date a report is filed 7589  
under division (C) of section 169.03 of the Revised Code, are 7590  
invalid. 7591

(2) A person interested in entering into an agreement to 7592  
locate, deliver, recover, or assist in the recovery of unclaimed 7593  
funds for remuneration shall not initiate any contact with an 7594  
owner during the two-year period immediately after the date a 7595  
report is filed under division (C) of section 169.03 of the 7596  
Revised Code. Failure to comply with this requirement is grounds 7597  
for the invalidation of any such agreement between the person and 7598  
the owner. 7599

(B) An agreement entered into any time after such two-year 7600  
period is valid only if all of the following conditions are met: 7601

(1) The aggregate fee, compensation, commission, or other 7602  
remuneration agreed upon is not in excess of ten per cent of the 7603  
amount recovered and paid to the owner by the director of budget 7604  
and management; 7605

- (2) The agreement is in writing, signed by the owner, and  
notarized and discloses all of the following items:
- (a) The name, address, and telephone number of the owner, as  
shown by the records of the person or entity in possession of the  
unclaimed funds or contents of a safe deposit box;
- (b) The name, address, and telephone number of the owner if  
the owner's name, address, or telephone number are different from  
the name, address, or telephone number of the owner as shown by  
the records of the person or entity in possession of the unclaimed  
funds or contents of a safe deposit box;
- (c) The nature and value of the unclaimed funds or contents  
of a safe deposit box;
- (d) The amount the owner will receive after the fee or  
compensation has been subtracted;
- (e) The name and address of the person or entity in  
possession of the unclaimed funds or contents of a safe deposit  
box;
- (f) That the ~~auditor of state~~ director of budget and  
management will pay the unclaimed funds directly to the owner or  
the director of commerce shall deliver the contents of a safe  
deposit box directly to the owner;
- (g) That the person agreeing to locate, deliver, recover, or  
assist in the recovery of the unclaimed funds or contents of a  
safe deposit box is not an employee or agent of the director of  
commerce;
- (h) That the director of commerce is not a party to the  
agreement;
- (i) That the person agreeing to locate, deliver, recover, or  
assist in the recovery of the unclaimed funds or contents of a  
safe deposit box holds a valid certificate of registration issued

by the director under section 169.16 of the Revised Code; 7636

(j) The number designated on that certificate of registration 7637  
and the date the certificate of registration expires. 7638

(3) No agreement described in division (B)(2) of this section 7639  
shall include a power of attorney for the payment of the unclaimed 7640  
funds or delivery of the contents of a safe deposit box to any 7641  
person other than the owner of the unclaimed funds or contents of 7642  
a safe deposit box. 7643

(4) If the agreement involves recovery of the contents of a 7644  
safe deposit box, the agreement stipulates that the person 7645  
receiving any fee, compensation, commission, or other remuneration 7646  
for engaging in any activity for the purpose of locating, 7647  
delivering, recovering, or assisting in the recovery of unclaimed 7648  
funds or other items stored in a safe deposit box on behalf of any 7649  
other person shall do all of the following: 7650

(a) Make arrangements to have an appraiser and the director 7651  
of commerce view the contents of the safe deposit box together, at 7652  
a time mutually agreeable to the appraiser and director; 7653

(b) State that the value of the property in the safe deposit 7654  
box is the amount established by the appraiser who viewed the safe 7655  
deposit box contents; 7656

(c) Base the fee, compensation, commission, or other 7657  
remuneration for locating, delivering, recovering, or assisting in 7658  
the recovery of unclaimed funds or other items stored in a safe 7659  
deposit box on the appraised value established by the appraiser 7660  
who viewed the safe deposit box contents. 7661

(C) No person shall receive a fee, compensation, commission, 7662  
or other remuneration, or engage in any activity for the purpose 7663  
of locating, delivering, recovering, or assisting in the recovery 7664  
of unclaimed funds or contents of a safe deposit box, ~~under~~ 7665  
without having first entered into an agreement that is ~~invalid~~ 7666

~~under fully compliant with this section with an owner or owner's~~ 7667  
~~legal representative.~~ 7668

(D) A person who receives any fee, compensation, commission, 7669  
or other remuneration for engaging in any activity for the purpose 7670  
of locating, delivering, recovering, or assisting in the recovery 7671  
of unclaimed funds or other items stored in a safe deposit box on 7672  
behalf of any other person cannot function as an appraiser of the 7673  
contents of the safe deposit box for purposes of division (B)(4) 7674  
of this section. 7675

(E) The director shall not recognize or make any delivery and 7676  
the auditor of state shall not make any payment pursuant to any 7677  
power of attorney between an owner of the unclaimed funds or 7678  
contents of a safe deposit box and the person with whom the owner 7679  
entered into an agreement pursuant to division (B)(2) of this 7680  
section to locate, deliver, recover, or assist in the recovery of 7681  
the unclaimed funds or contents of a safe deposit box if that 7682  
power of attorney is entered into on or after ~~the effective date~~ 7683  
~~of this amendment~~ March 23, 2007, and that power of attorney 7684  
specifically provides for the payment of unclaimed funds or 7685  
delivery of the contents of a safe deposit box to any person other 7686  
than the owner of the unclaimed funds or contents of a safe 7687  
deposit box. Nothing in this section shall be construed as 7688  
prohibiting the payment of unclaimed funds or delivery of the 7689  
contents of a safe deposit box to the legal representative of the 7690  
owner of the unclaimed funds or contents of the safe deposit box. 7691  
Notwithstanding the definition of "owner" specified in division 7692  
(C) of section 169.01 of the Revised Code, for purposes of the 7693  
payment of unclaimed funds or delivery of the contents of the safe 7694  
deposit box, a person with whom an owner entered into an agreement 7695  
under division (B)(2) of this section is not a legal 7696  
representative. 7697

Sec. 169.18. (A) When an item owned by an individual who died 7698  
a resident of this state has been reported to the director of 7699  
commerce as unclaimed funds pursuant to this chapter, the 7700  
director, not sooner than two hundred ten days after the death of 7701  
the owner, shall distribute the item or pay the amount being held 7702  
by the director, plus any interest due, pursuant to section 169.08 7703  
of the Revised Code, without requiring letters testamentary or 7704  
letters of administration to be issued upon the estate of the 7705  
deceased owner where all the following conditions are met: 7706

(1) All such items of unclaimed funds taken together are 7707  
valued at not more than five thousand dollars. 7708

(2) The person claiming the item is the surviving spouse, any 7709  
one or more of the deceased owner's natural born or adopted 7710  
children eighteen years of age or older, or the parent of the 7711  
deceased owner, with preference given in that order. 7712

(3) The person seeking to claim the item provides to the 7713  
satisfaction of the director all of the following: 7714

(a) An unredacted certified death certificate of the deceased 7715  
owner; 7716

(b) The sworn affidavit described in division (A)(4) of this 7717  
section under penalty of perjury; 7718

(c) Other information or documentary evidence the director 7719  
determines necessary to pay funds under this section to the proper 7720  
person, including personal identification and proof of tax 7721  
identification number for the claimant, deceased owner, or both. 7722

(4) The person seeking to claim the item under division (A) 7723  
of this section presents to the director an affidavit requesting 7724  
that the director release the item along with a list of all 7725  
individual beneficiaries in the decedent's will or individuals who 7726  
would inherit pursuant to section 2105.06 of the Revised Code if 7727

the decedent died intestate. The affidavit shall include all of 7728  
the following information: 7729

(a) The deceased owner's name; 7730

(b) The date and place of the deceased owner's death; 7731

(c) A statement that more than two hundred ten days have 7732  
passed since the deceased owner's death; 7733

(d) A statement that either: 7734

(i) An executor, administrator, or commissioner has not been 7735  
appointed to administer the deceased owner's estate and no 7736  
application for the appointment of an executor or administrator, 7737  
or application to relieve an estate from administration, is 7738  
pending in any jurisdiction; 7739

(ii) The executor, administrator, or commissioner has been 7740  
discharged. 7741

(e) A description and dollar value of each item of unclaimed 7742  
funds in the director's custody, not exceeding an aggregate amount 7743  
of five thousand dollars to be paid, transferred, or delivered to 7744  
the claimant; 7745

(f)(i) A statement that the deceased owner's funeral and 7746  
burial expenses have been paid, that the claimant will pay the 7747  
funeral and burial expenses, or that the unclaimed funds will be 7748  
used to pay the funeral and burial expenses; 7749

(ii) If the statement in division (A)(4)(f)(i) of this 7750  
section indicates that the unclaimed funds will be used to pay the 7751  
funeral and burial expenses, an additional statement that if the 7752  
unclaimed funds are in an amount sufficient to cover all unpaid 7753  
funeral and burial expenses, the unclaimed funds will be used to 7754  
cover all such expenses. If the unclaimed funds are insufficient 7755  
to cover all such expenses, a statement that all the unclaimed 7756  
funds will be used to pay the expenses. 7757

(g) A statement that the claimant is entitled to inherit from the deceased owner either by virtue of being a beneficiary in the decedent's will or under section 2105.06 of the Revised Code if the decedent died intestate, and that specifies the claimant's relationship to the deceased owner; 7758  
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(h) The following statement: "No other person has a superior right to the interest of the decedent in the described unclaimed funds." 7763  
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(i) A statement that the claimant requests that the item be paid, delivered, or transferred to the claimant; 7766  
7767

(j) A statement that the claimant will distribute the unclaimed funds pursuant to the deceased owner's will or section 2105.06 of the Revised Code if the decedent died intestate; 7768  
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7770

(k) The claimant's affirmation under penalty of perjury that the foregoing affidavit is true and correct. 7771  
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(B) If the director determines the claimant to be a person entitled to claim the item, the director shall distribute the item or pay the amount being held by the director. By this distribution or payment, the director shall be released to the same extent as by an entry granting release from administration or as if distribution or payment had been made to a duly appointed executor, administrator, or commissioner of the deceased owner's estate. The director shall not be required to oversee the application of the payment, delivery, or transfer made. 7773  
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(C) The payment, delivery, or transfer of the unclaimed funds due the deceased owner under this section is a full discharge and release to the director from any claim for the funds paid, delivered, or transferred. Any claimant to whom payment is made shall be liable to anyone prejudiced by an improper distribution, transfer, or payment. 7782  
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Sec. 173.012. The department of aging may develop and offer 7788  
training programs to area agencies on aging, long-term care 7789  
facilities, providers of long-term care services, and other 7790  
interested parties. The department may charge fees for the 7791  
training programs. Amounts collected from charging the fees shall 7792  
be deposited into the state treasury to the credit of the senior 7793  
community outreach fund, which is hereby created. Money credited 7794  
to the fund may be used by the department to administer this 7795  
section and to develop and offer additional training programs. 7796

**Sec. 173.39.** (A) As used in sections 173.39 to 173.393 of the 7797  
Revised Code: 7798

(1) "Provider" means a person or government entity that 7799  
provides any services, including community-based long-term care 7800  
services, under a program the department of aging administers. 7801  
"Provider" includes a person or government entity that provides 7802  
home and community-based services to older adults through the 7803  
PASSPORT program or assisted living program as defined in section 7804  
173.51 of the Revised Code. 7805

(2) "Community-based long-term care services" has the same 7806  
meaning as in section 173.14 of the Revised Code. 7807

(3) "PASSPORT program" and "assisted living program" have the 7808  
same meanings as in section 173.51 of the Revised Code. 7809

(B) ~~Except as provided in section 173.392 of the Revised~~ 7810  
~~Code, the~~ The department of aging ~~may~~ shall not pay a provider for 7811  
providing any service, including community-based long-term care 7812  
services, ~~under a~~ the PASSPORT program or assisted living program 7813  
unless the provider is certified under section 173.391 of the 7814  
Revised Code and the service is in fact provided. 7815

The department may require a provider under any other program 7816  
the department administers to be certified under section 173.391 7817

of the Revised Code. If the department requires this 7818  
certification, the department shall not pay the provider for 7819  
providing any service under that program unless the provider is 7820  
certified under section 173.391 of the Revised Code and ~~provides~~ 7821  
~~the services~~ the service is in fact provided. If the department 7822  
does not require this certification, the department shall not pay 7823  
the provider for providing any service under that program unless 7824  
the provider complies with section 173.392 of the Revised Code. 7825

**Sec. 173.391.** (A) Subject to section 173.381 of the Revised 7826  
Code, the department of aging or its designee shall do all of the 7827  
following in accordance with Chapter 119. of the Revised Code: 7828

(1) Certify a provider to provide services, including 7829  
community-based long-term care services, under a program the 7830  
department administers if the provider satisfies the requirements 7831  
for certification established by rules adopted under division (B) 7832  
of this section and pays the fee, if any, established by rules 7833  
adopted under division (G) of this section; 7834

(2) When required to do so by rules adopted under division 7835  
(B) of this section, take one or more of the following 7836  
disciplinary actions against a provider certified under division 7837  
(A)(1) of this section: 7838

(a) Issue a written warning; 7839

(b) Require the submission of a plan of correction or 7840  
evidence of compliance with requirements identified by the 7841  
department; 7842

(c) Suspend referrals; 7843

(d) Remove clients; 7844

(e) Impose a fiscal sanction such as a civil monetary penalty 7845  
or an order that unearned funds be repaid; 7846

(f) Suspend the certification; 7847

(g) Revoke the certification; 7848

(h) Impose another sanction. 7849

(3) Except as provided in division (E) of this section, hold 7850  
hearings when there is a dispute between the department or its 7851  
designee and a provider concerning actions the department or its 7852  
designee takes regarding a decision not to certify the provider 7853  
under division (A)(1) of this section or a disciplinary action 7854  
under divisions (A)(2)(e) to (h) of this section. 7855

(B) The director of aging shall adopt rules in accordance 7856  
with Chapter 119. of the Revised Code establishing certification 7857  
requirements and standards for determining which type of 7858  
disciplinary action to take under division (A)(2) of this section 7859  
in individual situations. The rules shall establish procedures for 7860  
all of the following: 7861

(1) Ensuring that providers comply with sections 173.38 and 7862  
173.381 of the Revised Code; 7863

(2) Evaluating the services provided by the providers to 7864  
ensure that the services are provided in a quality manner 7865  
advantageous to the individual receiving the services; 7866

(3) In a manner consistent with section 173.381 of the 7867  
Revised Code, determining when to take disciplinary action under 7868  
division (A)(2) of this section and which disciplinary action to 7869  
take; 7870

(4) Determining what constitutes another sanction for 7871  
purposes of division (A)(2)(h) of this section. 7872

(C) The procedures established in rules adopted under 7873  
division (B)(2) of this section shall require that all of the 7874  
following be considered as part of an evaluation described in 7875  
division (B)(2) of this section: 7876

(1) The provider's experience and financial responsibility; 7877

(2) The provider's ability to comply with standards for the services, including community-based long-term care services, that the provider provides under a program the department administers; 7878  
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(3) The provider's ability to meet the needs of the individuals served; 7881  
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(4) Any other factor the director considers relevant. 7883

(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served. 7884  
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(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply: 7891  
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(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case: 7894  
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(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained. 7900  
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(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted. 7903  
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(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons: 7906  
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(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

(f) The provider has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services.

(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years. 7939  
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(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review. 7942  
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(i) The provider has ceased doing business. 7946

(j) The provider has voluntarily relinquished its certification for any reason. 7947  
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(3) The provider's provider agreement with the department of medicaid has been suspended under section 5164.36 of the Revised Code. 7949  
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(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.36 of the Revised Code. 7952  
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(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department is taking under divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail. 7957  
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(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under this section. 7965  
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(H) Any amounts collected by the department or its designee 7969  
under this section shall be deposited in the state treasury to the 7970  
credit of the provider certification fund, which is hereby 7971  
created. Money credited to the fund shall be used to pay for 7972  
services, including community-based long-term care services, to 7973  
pay for administrative costs associated with provider 7974  
certification under this section, and to pay for administrative 7975  
costs related to the publication of the Ohio long-term care 7976  
consumer guide. 7977

**Sec. 173.392.** (A) ~~The~~ In the case of a provider that the 7978  
department of aging under section 173.39 of the Revised Code has 7979  
not required to be certified under section 173.391 of the Revised 7980  
Code, the department of ~~aging~~ may pay a the provider for providing 7981  
services, including community-based long-term care services, under 7982  
a program the department administers, ~~even though the provider is~~ 7983  
~~not certified under section 173.391 of the Revised Code, but only~~ 7984  
if all of the following are the case: 7985

(1) The provider has a contract with the department of aging 7986  
or the department's designee to provide the services in accordance 7987  
with the contract or has received a grant from the department or 7988  
its designee to provide the services in accordance with a grant 7989  
agreement; 7990

(2) The contract or grant agreement includes detailed 7991  
conditions of participation for the provider and service standards 7992  
that the provider is required to satisfy; 7993

(3) The provider complies with the contract or grant 7994  
agreement; 7995

(4) The contract or grant is not for medicaid-funded 7996  
services, other than services provided under the PACE program 7997  
administered by the department of aging under section 173.50 of 7998  
the Revised Code. 7999

(B)(1) The director of aging shall adopt rules in accordance 8000  
with Chapter 119. of the Revised Code governing both of the 8001  
following: 8002

(a) Contracts and grant agreements between the department of 8003  
aging or its designee and providers; 8004

(b) The department's payment for services, including 8005  
community-based long-term care services, under this section. 8006

(2) The rules adopted under this section shall be consistent 8007  
with section 173.381 of the Revised Code. 8008

**Sec. 173.393.** (A) Except as provided in division (B) of this 8009  
section, the records of an evaluation conducted in accordance with 8010  
rules adopted under division (B)(2) of section 173.391 of the 8011  
Revised Code are public records for purposes of section 149.43 of 8012  
the Revised Code and shall be made available on request of any 8013  
person, including individuals receiving or seeking any services, 8014  
including community-based long-term care services, under a program 8015  
the department of aging administers. 8016

(B) A part of a record of an evaluation that is otherwise 8017  
available as a public record under division (A) of this section is 8018  
not available as a public record if its release would violate a 8019  
federal or state statute, regulation, or rule, including 8020  
regulations adopted by the United States department of health and 8021  
human services to implement the health information privacy 8022  
provisions of the "Health Insurance Portability and Accountability 8023  
Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as 8024  
amended. 8025

**Sec. 174.01.** As used in this chapter: 8026

(A) "Financial assistance" means grants, loans, loan 8027  
guarantees, an equity position in a project, or loan subsidies. 8028

(B) "Grant" means funding the department of development 8029  
~~services agency~~ or the Ohio housing finance agency provides for 8030  
which the relevant agency does not require repayment. 8031

(C) "Housing" means housing for owner-occupancy and 8032  
multifamily rental housing. 8033

(D) "Housing for owner-occupancy" means housing that is 8034  
intended for occupancy by an owner as a principal residence. 8035  
"Housing for owner-occupancy" may be any type of structure and may 8036  
be owned in any type of ownership. 8037

(E) "Housing trust fund" means the low- and moderate-income 8038  
housing trust fund created and administered pursuant to Chapter 8039  
174. of the Revised Code. 8040

(F) "Lending institution" means any financial institution 8041  
qualified to conduct business in this state, a subsidiary 8042  
corporation that is wholly owned by a financial institution 8043  
qualified to conduct business in this state, and a mortgage lender 8044  
whose regular business is originating, servicing, or brokering 8045  
real estate loans and who is qualified to do business in this 8046  
state. 8047

(G) "Loan" means any extension of credit or other form of 8048  
financing or indebtedness directly or indirectly to a borrower 8049  
with the expectation that it will be repaid in accordance with the 8050  
terms of the underlying loan agreement or other pertinent 8051  
document. "Loan" includes financing extended to lending 8052  
institutions and indebtedness purchased from lending institutions. 8053

(H) "Loan guarantee" means any agreement in favor of a 8054  
lending institution or other lender in which the credit and 8055  
resources of the housing trust fund are pledged to secure the 8056  
payment or collection of financing extended to a borrower for the 8057  
acquisition, construction, improvement, rehabilitation or 8058  
preservation of housing, or to refinance any financing previously 8059

extended for those purposes by any lender. 8060

(I) "Loan subsidy" means any deposit of funds into a lending 8061  
institution with the authorization or direction that the income or 8062  
revenues the deposit earns, or could have earned at competitive 8063  
rates, be applied directly or indirectly to the benefit of housing 8064  
assistance or financial assistance. 8065

(J) "Low- and moderate-income persons" means individuals and 8066  
families who qualify as low- and moderate-income persons pursuant 8067  
to guidelines the ~~development services agency~~ department 8068  
establishes. 8069

(K) "Multifamily rental housing" means multiple unit housing 8070  
intended for rental occupancy. 8071

(L) "Nonprofit organization" means a nonprofit organization 8072  
in good standing and qualified to conduct business in this state 8073  
including any corporation whose members are members of a 8074  
metropolitan housing authority. 8075

~~(M) "Department of development" means the development 8076  
services agency and "director of development" means the director 8077  
of development services. 8078~~

**Sec. 174.02.** (A) The low- and moderate-income housing trust 8079  
fund is hereby created in the state treasury. The fund consists of 8080  
all appropriations made to the fund, housing trust fund fees 8081  
collected by county recorders pursuant to section 317.36 of the 8082  
Revised Code and deposited into the fund pursuant to section 8083  
319.63 of the Revised Code, and all grants, gifts, loan 8084  
repayments, and contributions of money made from any source to the 8085  
department of development ~~services agency~~ for deposit in the fund. 8086  
All investment earnings of the fund shall be credited to the fund. 8087  
The director of development ~~services~~ shall allocate a portion of 8088  
the money in the fund to an account of the Ohio housing finance 8089

agency. The ~~development services agency~~ department shall 8090  
administer the fund. The Ohio housing finance agency shall use 8091  
money allocated to it for implementing and administering its 8092  
programs and duties under sections 174.03 and 174.05 of the 8093  
Revised Code, and the ~~development services agency~~ department shall 8094  
use the remaining money in the fund for implementing and 8095  
administering its programs and duties under sections 174.03 to 8096  
174.06 of the Revised Code. Use of all money drawn from the fund 8097  
is subject to the following restrictions: 8098

(1)(a) Not more than five per cent of the current year 8099  
appropriation authority for the fund shall be allocated between 8100  
grants to community development corporations for the community 8101  
development corporation grant program and grants and loans to the 8102  
Ohio community development finance fund, a private nonprofit 8103  
corporation. 8104

(b) In any year in which the amount in the fund exceeds one 8105  
hundred thousand dollars and at least that much is allocated for 8106  
the uses described in this section, not less than one hundred 8107  
thousand dollars shall be used to provide training, technical 8108  
assistance, and capacity building assistance to nonprofit 8109  
development organizations. 8110

(2) Not more than ten per cent of any current year 8111  
appropriation authority for the fund shall be used for the 8112  
emergency shelter housing grants program to make grants to 8113  
private, nonprofit organizations and municipal corporations, 8114  
counties, and townships for emergency shelter housing for the 8115  
homeless and emergency shelter facilities serving unaccompanied 8116  
youth seventeen years of age and younger. The grants shall be 8117  
distributed pursuant to rules the director adopts and qualify as 8118  
matching funds for funds obtained pursuant to the McKinney Act, 8119  
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 8120

(3) In any fiscal year in which the amount in the fund 8121

exceeds the amount awarded pursuant to division (A)(1)(b) of this 8122  
section by at least two hundred fifty thousand dollars, at least 8123  
two hundred fifty thousand dollars from the fund shall be provided 8124  
to the department of aging for the resident services coordinator 8125  
program as established in section 173.08 of the Revised Code. 8126

(4) Of all current year appropriation authority for the fund, 8127  
not more than five per cent shall be used for administration. 8128

(5) Not less than forty-five per cent of the funds awarded 8129  
during any one fiscal year shall be for grants and loans to 8130  
nonprofit organizations under section 174.03 of the Revised Code. 8131

(6) Not less than fifty per cent of the funds awarded during 8132  
any one fiscal year, excluding the amounts awarded pursuant to 8133  
divisions (A)(1), (2), and (7) of this section, shall be for 8134  
grants and loans for activities that provide housing and housing 8135  
assistance to families and individuals in rural areas and small 8136  
cities that are not eligible to participate as a participating 8137  
jurisdiction under the "HOME Investment Partnerships Act," 104 8138  
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 8139

(7) No money in the fund shall be used to pay for any legal 8140  
services other than the usual and customary legal services 8141  
associated with the acquisition of housing. 8142

(8) Money in the fund may be used as matching money for 8143  
federal funds received by the state, counties, municipal 8144  
corporations, and townships for the activities listed in section 8145  
174.03 of the Revised Code. 8146

(B) If, after the second quarter of any year, it appears to 8147  
the director ~~of development services~~ that the full amount of the 8148  
money in the fund designated in that year for activities that 8149  
provide housing and housing assistance to families and individuals 8150  
in rural areas and small cities under division (A) of this section 8151  
will not be used for that purpose, the director may reallocate all 8152

or a portion of that amount for other housing activities. In 8153  
determining whether or how to reallocate money under this 8154  
division, the director may consult with and shall receive advice 8155  
from the housing trust fund advisory committee. 8156

**Sec. 183.021.** (A) No money from the tobacco master settlement 8157  
agreement fund, as that fund existed prior to the repeal of 8158  
section 183.02 of the Revised Code by H.B. 119 of the 127th 8159  
general assembly, shall be expended to do any of the following: 8160  
8161

(1) Hire an executive agency lobbyist, as defined under 8162  
section 121.60 of the Revised Code, or a legislative agent, as 8163  
defined under section 101.70 of the Revised Code; 8164

(2) Support or oppose candidates, ballot questions, 8165  
referendums, or ballot initiatives. 8166

(B) Nothing in this section prohibits ~~either of the following~~ 8167  
~~the members or employees of the third frontier commission or the~~ 8168  
~~members of the third frontier advisory board~~ from advocating on 8169  
behalf of the specific objectives of a program funded under this 8170  
chapter. 8171

~~(1) The members of the board of trustees, executive director,~~ 8172  
~~or employees of the southern Ohio agricultural and community~~ 8173  
~~development foundation; 8174~~

~~(2) The members or employees of the third frontier commission~~ 8175  
~~or the members of the third frontier advisory board. 8176~~

**Sec. 183.18.** (A) Ohio's public health priorities fund is 8177  
hereby created in the state treasury. All investment earnings of 8178  
the fund shall be credited to the fund. Notwithstanding any 8179  
conflicting provision of the Revised Code, the director of budget 8180  
and management may credit to the fund any money received by the 8181  
state, director of health, or department of health as part of a 8182

settlement agreement relating to a pressing public health issue. 8183  
The director of budget and management may also credit to the fund 8184  
any grant, gift, devise, bequest, or contribution made to the 8185  
state to support public health. 8186

(B) Money credited to the fund shall be used by the director 8187  
of health for the following purposes: 8188

(1) To conduct public health awareness and educational 8189  
campaigns; 8190

(2) To address any pressing public health issue identified by 8191  
the director or described in the state health improvement plan or 8192  
a successor document prepared for the department of health; 8193

(3) To implement and administer innovative public health 8194  
programs and prevention strategies; 8195

(4) To improve the population health of Ohio. 8196

The director may collaborate with one or more nonprofit 8197  
entities, including a public health foundation, to meet the 8198  
requirements of division (B) of this section. 8199

**Sec. 183.33.** No money shall be appropriated or transferred 8200  
from the general revenue fund to the law enforcement improvements 8201  
trust fund, ~~southern Ohio agricultural and community development~~ 8202  
~~foundation endowment fund~~, biomedical research and technology 8203  
transfer trust fund, or education technology trust fund. 8204

**Sec. 184.01.** (A) There is hereby created the third frontier 8205  
commission in the department of development ~~services agency~~. The 8206  
purpose of the commission is to coordinate and administer science 8207  
and technology programs to promote the welfare of the people of 8208  
the state and to maximize the economic growth of the state through 8209  
expansion of both of the following: 8210

(1) The state's high technology research and development 8211

capabilities; 8212

(2) The state's product and process innovation and 8213  
commercialization. 8214

(B)(1) The commission shall consist of eleven members: the 8215  
director of development ~~services~~, the chancellor of ~~the Ohio board~~ 8216  
~~of regents~~ higher education, the governor's science and technology 8217  
advisor, the chief investment officer of the nonprofit corporation 8218  
formed under section 187.01 of the Revised Code, and seven persons 8219  
appointed by the governor with the advice and consent of the 8220  
senate. 8221

(2) Of the seven persons appointed by the governor, one shall 8222  
represent the central region, which is composed of the counties of 8223  
Delaware, Fairfield, Fayette, Franklin, Hocking, Knox, Licking, 8224  
Logan, Madison, Marion, Morrow, Perry, Pickaway, Ross, and Union; 8225  
one shall represent the west central region, which is composed of 8226  
the counties of Champaign, Clark, Darke, Greene, Miami, 8227  
Montgomery, Preble, and Shelby; one shall represent the northeast 8228  
region, which is composed of the counties of Ashland, Ashtabula, 8229  
Carroll, Crawford, Columbiana, Cuyahoga, Erie, Geauga, Holmes, 8230  
Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, 8231  
Summit, Trumbull, Tuscarawas, and Wayne; one shall represent the 8232  
northwest region, which is composed of the counties of Allen, 8233  
Auglaize, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Mercer, 8234  
Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, 8235  
Wood, and Wyandot; one shall represent the southeast region, which 8236  
shall represent the counties of Adams, Athens, Belmont, Coshocton, 8237  
Gallia, Guernsey, Harrison, Jackson, Jefferson, Lawrence, Meigs, 8238  
Monroe, Morgan, Muskingum, Noble, Pike, Scioto, Vinton, and 8239  
Washington; one shall represent the southwest region, which is 8240  
composed of the counties of Butler, Brown, Clermont, Clinton, 8241  
Hamilton, Highland, and Warren; and one shall represent the public 8242  
at large. Of the initial appointments, two shall be for one year, 8243

two shall be for two years, and two shall be for three years as 8244  
assigned by the governor. Thereafter, appointments shall be for 8245  
three-year terms. Members may be reappointed and vacancies shall 8246  
be filled in the same manner as appointments. A person must have a 8247  
background in business or research in order to be eligible for 8248  
appointment to the commission. 8249

(3) The governor shall select a chairperson from among the 8250  
members, who shall serve in that role at the pleasure of the 8251  
governor. Sections 101.82 to 101.87 of the Revised Code do not 8252  
apply to the commission. 8253

(C) The commission shall meet at least once during each 8254  
quarter of the calendar year or at the call of the chairperson. A 8255  
majority of all members of the commission constitutes a quorum, 8256  
and no action shall be taken without the concurrence of a majority 8257  
of the members. 8258

(D) The commission shall administer any money that may be 8259  
appropriated to it by the general assembly. The commission may use 8260  
such money for research and commercialization and for any other 8261  
purposes that may be designated by the commission. 8262

(E) The ~~development services agency~~ department shall provide 8263  
office space and facilities for the commission. Administrative 8264  
costs associated with the operation of the commission or with any 8265  
program or activity administered by the commission shall be paid 8266  
from amounts appropriated to the commission or to the ~~agency~~ 8267  
department for such purposes. 8268

(F) The attorney general shall serve as the legal 8269  
representative for the commission and may appoint other counsel as 8270  
necessary for that purpose in accordance with section 109.07 of 8271  
the Revised Code. 8272

(G) Members of the commission shall serve without 8273  
compensation, but shall receive their reasonable and necessary 8274

expenses incurred in the conduct of commission business. 8275

(H) Members of the commission shall file financial disclosure 8276  
statements described in division (B) of section 102.02 of the 8277  
Revised Code. 8278

**Sec. 184.173.** The third frontier commission shall conduct the 8279  
outreach activities described in sections 184.171 and 184.172 of 8280  
the Revised Code in conjunction with the EDGE program created 8281  
under section ~~123.152~~122.922 of the Revised Code. 8282

**Sec. 307.921.** From any contracts to be awarded under sections 8283  
307.86 to 307.92 of the Revised Code, the contracting authority, 8284  
as defined in section 307.92 of the Revised Code, may develop a 8285  
policy to assist minority business enterprises, as defined in 8286  
sections 122.71 and ~~123.151~~122.921 of the Revised Code. 8287

**Sec. 319.54.** (A) On all moneys collected by the county 8288  
treasurer on any tax duplicate of the county, other than estate 8289  
tax duplicates, and on all moneys received as advance payments of 8290  
personal property and classified property taxes, the county 8291  
auditor, on settlement with the treasurer and tax commissioner, on 8292  
or before the date prescribed by law for such settlement or any 8293  
lawful extension of such date, shall be allowed as compensation 8294  
for the county auditor's services the following percentages: 8295

(1) On the first one hundred thousand dollars, two and 8296  
one-half per cent; 8297

(2) On the next two million dollars, eight thousand three 8298  
hundred eighteen ten-thousandths of one per cent; 8299

(3) On the next two million dollars, six thousand six hundred 8300  
fifty-five ten-thousandths of one per cent; 8301

(4) On all further sums, one thousand six hundred sixty-three 8302  
ten-thousandths of one per cent. 8303

If any settlement is not made on or before the date 8304  
prescribed by law for such settlement or any lawful extension of 8305  
such date, the aggregate compensation allowed to the auditor shall 8306  
be reduced one per cent for each day such settlement is delayed 8307  
after the prescribed date. No penalty shall apply if the auditor 8308  
and treasurer grant all requests for advances up to ninety per 8309  
cent of the settlement pursuant to section 321.34 of the Revised 8310  
Code. The compensation allowed in accordance with this section on 8311  
settlements made before the dates prescribed by law, or the 8312  
reduced compensation allowed in accordance with this section on 8313  
settlements made after the date prescribed by law or any lawful 8314  
extension of such date, shall be apportioned ratably by the 8315  
auditor and deducted from the shares or portions of the revenue 8316  
payable to the state as well as to the county, townships, 8317  
municipal corporations, and school districts. 8318

(B) For the purpose of reimbursing county auditors for the 8319  
expenses associated with the increased number of applications for 8320  
reductions in real property taxes under sections 323.152 and 8321  
4503.065 of the Revised Code that result from the amendment of 8322  
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 8323  
there shall be paid from the state's general revenue fund to the 8324  
county treasury, to the credit of the real estate assessment fund 8325  
created by section 325.31 of the Revised Code, an amount equal to 8326  
one per cent of the total annual amount of property tax relief 8327  
reimbursement paid to that county under sections 323.156 and 8328  
4503.068 of the Revised Code for the preceding tax year. Payments 8329  
made under this division shall be made at the same times and in 8330  
the same manner as payments made under section 323.156 of the 8331  
Revised Code. 8332

(C) From all moneys collected by the county treasurer on any 8333  
tax duplicate of the county, other than estate tax duplicates, and 8334  
on all moneys received as advance payments of personal property 8335

and classified property taxes, there shall be paid into the county treasury to the credit of the real estate assessment fund created by section 325.31 of the Revised Code, an amount to be determined by the county auditor, which shall not exceed the percentages prescribed in divisions (C)(1) and (2) of this section.

(1) For payments made after June 30, 2007, and before 2011, the following percentages:

(a) On the first five hundred thousand dollars, four per cent;

(b) On the next five million dollars, two per cent;

(c) On the next five million dollars, one per cent;

(d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;

(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.

(2) For payments made in or after 2011, the following percentages:

(a) On the first five hundred thousand dollars, four per cent;

(b) On the next ten million dollars, two per cent;

(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.

Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.

(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax

duplicate. 8365

(E) On all estate tax moneys collected by the county 8366  
treasurer, the county auditor, on settlement annually with the tax 8367  
commissioner, shall be allowed, as compensation for the auditor's 8368  
services under Chapter 5731. of the Revised Code, ~~the following~~ 8369  
~~percentages:~~ 8370

~~(1) Four per cent on the first one hundred thousand dollars;~~ 8371

~~(2) One half of one per cent on all additional sums.~~ 8372

~~Such percentages shall be computed upon two per cent of the 8373  
amount collected and reported ~~at each annual settlement~~ that year 8374  
in excess of refunds distributed, ~~and shall be~~ for the use of the 8375  
general fund of the county. 8376~~

(F) On all cigarette license moneys collected by the county 8377  
treasurer, the county auditor, on settlement semiannually with the 8378  
treasurer, shall be allowed as compensation for the auditor's 8379  
services in the issuing of such licenses one-half of one per cent 8380  
of such moneys, to be apportioned ratably and deducted from the 8381  
shares of the revenue payable to the county and subdivisions, for 8382  
the use of the general fund of the county. 8383

(G) The county auditor shall charge and receive fees as 8384  
follows: 8385

(1) For deeds of land sold for taxes to be paid by the 8386  
purchaser, five dollars; 8387

(2) For the transfer or entry of land, lot, or part of lot, 8388  
or the transfer or entry on or after January 1, 2000, of a used 8389  
manufactured home or mobile home as defined in section 5739.0210 8390  
of the Revised Code, fifty cents for each transfer or entry, to be 8391  
paid by the person requiring it; 8392

(3) For receiving statements of value and administering 8393  
section 319.202 of the Revised Code, one dollar, or ten cents for 8394

each one hundred dollars or fraction of one hundred dollars, 8395  
whichever is greater, of the value of the real property 8396  
transferred or, for sales occurring on or after January 1, 2000, 8397  
the value of the used manufactured home or used mobile home, as 8398  
defined in section 5739.0210 of the Revised Code, transferred, 8399  
except no fee shall be charged when the transfer is made: 8400

(a) To or from the United States, this state, or any 8401  
instrumentality, agency, or political subdivision of the United 8402  
States or this state; 8403

(b) Solely in order to provide or release security for a debt 8404  
or obligation; 8405

(c) To confirm or correct a deed previously executed and 8406  
recorded or when a current owner on any record made available to 8407  
the general public on the internet or a publicly accessible 8408  
database and the general tax list of real and public utility 8409  
property and the general duplicate of real and public utility 8410  
property is a peace officer, parole officer, prosecuting attorney, 8411  
assistant prosecuting attorney, correctional employee, youth 8412  
services employee, firefighter, EMT, or investigator of the bureau 8413  
of criminal identification and investigation and is changing the 8414  
current owner name listed on any record made available to the 8415  
general public on the internet or a publicly accessible database 8416  
and the general tax list of real and public utility property and 8417  
the general duplicate of real and public utility property to the 8418  
initials of the current owner as prescribed in division (B)(1) of 8419  
section 319.28 of the Revised Code; 8420

(d) To evidence a gift, in trust or otherwise and whether 8421  
revocable or irrevocable, between husband and wife, or parent and 8422  
child or the spouse of either; 8423

(e) On sale for delinquent taxes or assessments; 8424

(f) Pursuant to court order, to the extent that such transfer 8425

is not the result of a sale effected or completed pursuant to such order; 8426  
8427

(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation; 8428  
8429  
8430  
8431  
8432  
8433

(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock; 8434  
8435  
8436

(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever; 8437  
8438

(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars; 8439  
8440  
8441

(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home; 8442  
8443  
8444  
8445  
8446  
8447

(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others; 8448  
8449  
8450  
8451

(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift; 8452  
8453  
8454  
8455

(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code;

(o) To a trustee acting on behalf of minor children of the deceased;

(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;

(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;

(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;

(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;

(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;

(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;

(v) To the beneficiaries of a trust if the fee was paid on

the transfer from the grantor of the trust to the trustee or if 8486  
the transfer is made pursuant to trust provisions which became 8487  
irrevocable at the death of the grantor; 8488

(w) To a corporation for incorporation into a sports facility 8489  
constructed pursuant to section 307.696 of the Revised Code; 8490

(x) Between persons pursuant to section 5302.18 of the 8491  
Revised Code; 8492

(y) From a county land reutilization corporation organized 8493  
under Chapter 1724. of the Revised Code, or its wholly owned 8494  
subsidiary, to a third party. 8495

(4) For the cost of publishing the delinquent manufactured 8496  
home tax list, the delinquent tax list, and the delinquent vacant 8497  
land tax list, a flat fee, as determined by the county auditor, to 8498  
be charged to the owner of a home on the delinquent manufactured 8499  
home tax list or the property owner of land on the delinquent tax 8500  
list or the delinquent vacant land tax list. 8501

The auditor shall compute and collect the fee. The auditor 8502  
shall maintain a numbered receipt system, as prescribed by the tax 8503  
commissioner, and use such receipt system to provide a receipt to 8504  
each person paying a fee. The auditor shall deposit the receipts 8505  
of the fees on conveyances in the county treasury daily to the 8506  
credit of the general fund of the county, except that fees charged 8507  
and received under division (G)(3) of this section for a transfer 8508  
of real property to a county land reutilization corporation shall 8509  
be credited to the county land reutilization corporation fund 8510  
established under section 321.263 of the Revised Code. 8511

The real property transfer fee provided for in division 8512  
(G)(3) of this section shall be applicable to any conveyance of 8513  
real property presented to the auditor on or after January 1, 8514  
1968, regardless of its time of execution or delivery. 8515

The transfer fee for a used manufactured home or used mobile 8516

home shall be computed by and paid to the county auditor of the 8517  
county in which the home is located immediately prior to the 8518  
transfer. 8519

**Sec. 321.27.** (A) On settlement annually with the county 8520  
auditor, the county treasurer shall be allowed as fees on all 8521  
moneys collected by the treasurer on estate tax duplicates ~~the~~ 8522  
~~following percentages: three per cent on the first one hundred~~ 8523  
~~thousand dollars; two per cent on the next one hundred thousand~~ 8524  
~~dollars; five tenths per cent on all additional sums. Such~~ 8525  
~~percentages shall be computed upon~~ of the amount collected and 8526  
reported at each annual settlement that year in excess of refunds 8527  
distributed, ~~and shall be~~ for the use of the general fund of the 8528  
county. 8529

(B) On settlement semiannually with the county auditor, the 8530  
county treasurer shall be allowed as fees on all cigarette license 8531  
moneys collected by the treasurer one-half per cent on the amount 8532  
received, to be paid upon the warrant of the auditor and 8533  
apportioned ratably and deducted from the shares of revenue 8534  
payable to the county and subdivisions of the county under section 8535  
5743.15 of the Revised Code, for the use of the general fund of 8536  
the county. 8537

**Sec. 329.12.** (A) A county department of job and family 8538  
services may establish an individual development account program 8539  
for residents of the county. The program shall provide for 8540  
establishment of accounts for participants and acceptance of 8541  
contributions from individuals and entities, including the county 8542  
department, to be used as matching funds for deposit in the 8543  
accounts. 8544

(B) A county department shall select a fiduciary organization 8545  
to administer its individual development account program. In 8546

selecting a fiduciary organization, the department shall consider 8547  
all of the following regarding the organization: 8548

(1) Its ability to market the program to potential 8549  
participants and matching fund contributors; 8550

(2) Its ability to invest money in the accounts in a way that 8551  
provides for return with minimal risk of loss; 8552

(3) Its overall administrative capacity, including the 8553  
ability to verify eligibility of individuals for participation in 8554  
the program, prevent unauthorized use of matching contributions, 8555  
and enforce any penalties for unauthorized uses that may be 8556  
provided for by rule adopted by the director of job and family 8557  
services under section 5101.971 of the Revised Code; 8558

(4) Its ability to provide financial counseling to 8559  
participants; 8560

(5) Its affiliation with other activities designed to 8561  
increase the independence of individuals and families through 8562  
postsecondary education, home ownership, and business development; 8563

(6) Any other factor the county department considers 8564  
appropriate. 8565

(C) At the time it commences the program and on the first day 8566  
of each subsequent program year, the county department may make a 8567  
grant to the fiduciary organization to pay all or part of the 8568  
administrative costs of the program. 8569

(D) The county department shall require the fiduciary 8570  
organization to collect and maintain information regarding the 8571  
program, including all of the following: 8572

(1) The number of accounts established; 8573

(2) The amount deposited by each participant and the amount 8574  
matched by contributions; 8575

(3) The uses of funds withdrawn from the account, including 8576

the number of participants who used funds for postsecondary 8577  
educational expenses and the institutions attended, the number of 8578  
personal residences purchased, and the number of participants who 8579  
used funds for business capitalization; 8580

(4) The demographics of program participants; 8581

(5) The number of participants who withdrew from the program 8582  
and the reasons for withdrawal. 8583

~~(E) The county department shall prepare and file with the 8584  
department of job and family services a semiannual report 8585  
containing the information the director of job and family services 8586  
requires by rule adopted under section 5101.971 of the Revised 8587  
Code, with the first report being filed at the end of the 8588  
six month period following October 1, 1997. 8589~~

**Sec. 340.13.** (A) As used in this section: 8591

(1) "Minority business enterprise" has the same meaning as in 8592  
section 122.71 of the Revised Code. 8593

(2) "EDGE business enterprise" has the same meaning as in 8594  
section ~~123.152~~122.922 of the Revised Code. 8595

(B) Any minority business enterprise that desires to bid on a 8596  
contract under division (C) of this section shall first apply to 8597  
the ~~equal employment opportunity coordinator in the department of~~ 8598  
~~administrative services~~department of development for certification 8599  
as a minority business enterprise. Any EDGE business enterprise 8600  
that desires to bid on a contract under division (D) of this 8601  
section shall first apply to the ~~equal employment opportunity~~ 8602  
~~coordinator of the department of administrative services~~department 8603  
of development for certification as an EDGE business enterprise. 8604  
The ~~coordinator~~director of development shall approve the 8605  
application of any minority business enterprise or EDGE business 8606  
enterprise that complies with the rules adopted under section 8607

122.71 or ~~123.152~~122.922 of the Revised Code, respectively. The 8608  
~~coordinator~~director shall prepare and maintain a list of minority 8609  
business enterprises and EDGE business enterprises certified under 8610  
those sections. 8611

(C) From the contracts to be awarded for the purchases of 8612  
equipment, materials, supplies, or services, other than contracts 8613  
entered into under section 340.036 of the Revised Code, each board 8614  
of alcohol, drug addiction, and mental health services shall 8615  
select a number of contracts with an aggregate value of 8616  
approximately fifteen per cent of the total estimated value of 8617  
contracts to be awarded in the current fiscal year. The board 8618  
shall set aside the contracts so selected for bidding by minority 8619  
business enterprises only. The bidding procedures for such 8620  
contracts shall be the same as for all other contracts awarded 8621  
under section 307.86 of the Revised Code, except that only 8622  
minority business enterprises certified and listed pursuant to 8623  
division (B) of this section shall be qualified to submit bids. 8624

(D) To the extent that a board is authorized to enter into 8625  
contracts for construction, the board shall strive to attain a 8626  
yearly contract dollar procurement goal the aggregate value of 8627  
which equals approximately five per cent of the aggregate value of 8628  
construction contracts for the current fiscal year for EDGE 8629  
business enterprises only. 8630

(E)(1) In the case of contracts set aside under division (C) 8631  
of this section, if no bid is submitted by a minority business 8632  
enterprise, the contract shall be awarded according to normal 8633  
bidding procedures. The board shall from time to time set aside 8634  
such additional contracts as are necessary to replace those 8635  
contracts previously set aside on which no minority business 8636  
enterprise bid. 8637

(2) If a board, after having made a good faith effort, is 8638  
unable to comply with the goal of procurement for contracting with 8639

EDGE business enterprises pursuant to division (D) of this 8640  
section, the board may apply in writing, on a form prescribed by 8641  
the department of administrative services, to the director of 8642  
mental health and addiction services for a waiver or modification 8643  
of the goal. 8644

(F) This section does not preclude any minority business 8645  
enterprise or EDGE business enterprise from bidding on any other 8646  
contract not specifically set aside for minority business 8647  
enterprises or subject to procurement goals for EDGE business 8648  
enterprises. 8649

(G) Within ninety days after the beginning of each fiscal 8650  
year, each board shall file a report with the department of mental 8651  
health and addiction services that shows for that fiscal year the 8652  
name of each minority business enterprise and EDGE business 8653  
enterprise with which the board entered into a contract, the value 8654  
and type of each such contract, the total value of contracts 8655  
awarded under divisions (C) and (D) of this section, the total 8656  
value of contracts awarded for the purchases of equipment, 8657  
materials, supplies, or services, other than contracts entered 8658  
into under section 340.036 of the Revised Code, and the total 8659  
value of contracts entered into for construction. 8660

(H) Any person who intentionally misrepresents self as 8661  
owning, controlling, operating, or participating in a minority 8662  
business enterprise or an EDGE business enterprise for the purpose 8663  
of obtaining contracts or any other benefits under this section 8664  
shall be guilty of theft by deception as provided for in section 8665  
2913.02 of the Revised Code. 8666

**Sec. 901.171. (A)** The department of agriculture may promote 8667  
the use of Ohio-produced agricultural goods, including natural 8668  
spring water, through the issuance of logotypes to qualified 8669  
producers and processors under a promotional certification program 8670

to be developed and administered by the division of markets. 8671

(B) Pursuant to rules adopted under Chapter 119. of the 8672  
Revised Code, the department may establish reasonable fees and 8673  
criteria for participation in the program. All such fees shall be 8674  
credited to the ~~general revenue~~ Ohio proud, international, and 8675  
domestic market development fund created in section 901.20 of the 8676  
Revised Code and used to finance the program. 8677

(C) The department may sell merchandise that promotes the 8678  
certification program. The director of agriculture shall deposit 8679  
all proceeds from the sales of merchandise in the state treasury 8680  
to the credit of the Ohio proud, international, and domestic 8681  
market development fund. 8682

**Sec. 901.91.** The director of agriculture may assess the 8683  
operating funds of the department of agriculture to pay a share of 8684  
the department's central support and administrative costs. The 8685  
assessments shall be based on a plan that the director develops 8686  
~~and submits to the director of budget and management not later~~ 8687  
~~than the fifteenth day of July of the fiscal year in which the~~ 8688  
~~assessments are to be made. If the director of budget and~~ 8689  
~~management determines that the assessments proposed in the plan~~ 8690  
~~are appropriate, the director shall approve the plan.~~ Assessments 8691  
shall be paid from the funds designated in the plan and credited 8692  
by means of intrastate transfer voucher to the department of 8693  
agriculture central support indirect costs fund, which is hereby 8694  
created in the state treasury. The fund shall be administered by 8695  
the director of agriculture and used to pay central support and 8696  
administrative costs of the department of agriculture. 8697

**Sec. 921.02.** (A) No person shall distribute a pesticide 8698  
within this state unless the pesticide is registered with the 8699  
director of agriculture under this chapter. Registrations shall be 8700

issued for a period of time established by rule and shall be 8701  
renewed in accordance with deadlines established by rule. 8702  
Registration is not required if a pesticide is shipped from one 8703  
plant or warehouse to another plant or warehouse operated by the 8704  
same person and used solely at that plant or warehouse as a 8705  
constituent part to make a pesticide that is registered under this 8706  
chapter, or if the pesticide is distributed under the provisions 8707  
of an experimental use permit issued under section 921.03 of the 8708  
Revised Code or an experimental use permit issued by the United 8709  
States environmental protection agency. 8710

(B) The applicant for registration of a pesticide shall file 8711  
a statement with the director on a form provided by the director, 8712  
which shall include all of the following: 8713

(1) The name and address of the applicant and the name and 8714  
address of the person whose name will appear on the label, if 8715  
other than the applicant's name; 8716

(2) The brand and product name of the pesticide; 8717

(3) Any necessary information required for completion of the 8718  
department of agriculture's application for registration, 8719  
including the agency registration number; 8720

(4) A complete copy of the labeling accompanying the 8721  
pesticide and a statement of all claims to be made for it, 8722  
including the directions for use and the use classification as 8723  
provided for in the federal act. 8724

(C) The director, when the director considers it necessary in 8725  
the administration of this chapter, may require the submission of 8726  
the complete formula of any pesticide including the active and 8727  
inert ingredients. 8728

(D) The director may require a full description of the tests 8729  
made and the results thereof upon which the claims are based for 8730

any pesticide. The director shall not consider any data submitted 8731  
in support of an application, without permission of the applicant, 8732  
in support of any other application for registration unless the 8733  
other applicant first has offered to pay reasonable compensation 8734  
for producing the test data to be relied upon and the data are not 8735  
protected from disclosure by section 921.04 of the Revised Code. 8736  
In the case of a renewal of registration, a statement shall be 8737  
required only with respect to information that is different from 8738  
that furnished when the pesticide was registered or last 8739  
registered. 8740

(E) The director may require any other information to be 8741  
submitted with an application. 8742

Any applicant may designate any portion of the required 8743  
registration information as a trade secret or confidential 8744  
business information. Upon receipt of any required registration 8745  
information designated as a trade secret or confidential business 8746  
information, the director shall consider the designated 8747  
information as confidential and shall not reveal or cause to be 8748  
revealed any such designated information without the consent of 8749  
the applicants, except to persons directly involved in the 8750  
registration process described in this section or as required by 8751  
law. 8752

(F) ~~Beginning January 1, 2007, each~~ Each applicant shall pay 8753  
~~a registration and inspection~~ an application fee of ~~one~~ two 8754  
hundred fifty dollars for each product name and brand registered 8755  
for the company whose name appears on the label. If an applicant 8756  
files for a renewal of registration after the deadline established 8757  
by rule, the applicant shall pay a penalty fee of seventy-five 8758  
dollars for each product name and brand registered for the 8759  
applicant. The penalty fee shall be added to the original fee and 8760  
paid before the renewal registration is issued. ~~It~~ If the director 8761  
does not issue or renew a registration, the director shall retain 8762

the application fee as payment for the reasonable expense of 8763  
processing the application. 8764

In addition to any other remedy available under this chapter, 8765  
if a pesticide that is not registered pursuant to this section is 8766  
distributed within this state, the person required to register the 8767  
pesticide shall do so and shall pay a penalty fee of seventy-five 8768  
dollars for each product name and brand registered for the 8769  
applicant. The penalty fee shall be added to the original fee of 8770  
~~one~~ two hundred fifty dollars and paid before the registration is 8771  
issued. 8772

(G) Provided that the state is authorized by the 8773  
administrator of the United States environmental protection agency 8774  
to register pesticides to meet special local needs, the director 8775  
shall require the information set forth under divisions (B), (C), 8776  
(D), and (E) of this section and shall register any such pesticide 8777  
after determining that all of the following conditions are met: 8778

(1) Its composition is such as to warrant the proposed claims 8779  
for it. 8780

(2) Its labeling and other material required to be submitted 8781  
comply with the requirements of the federal act and of this 8782  
chapter, and rules adopted thereunder. 8783

(3) It will perform its intended function without 8784  
unreasonable adverse effects on the environment. 8785

(4) When used in accordance with widespread and commonly 8786  
recognized practice, it will not generally cause unreasonable 8787  
adverse effects on the environment. 8788

(5) The classification for general or restricted use is in 8789  
conformity with the federal act. 8790

The director shall not make any lack of essentiality a 8791  
criterion for denying the registration of any pesticide. When two 8792

pesticides meet the requirements of division (G) of this section, 8793  
the director shall not register one in preference to the other. 8794

(H)(1) The director may refuse to register a pesticide if the 8795  
application for registration fails to comply with this section. 8796

(2) The director may suspend or revoke a pesticide 8797  
registration after a hearing in accordance with Chapter 119. of 8798  
the Revised Code for a pesticide that fails to meet the claims 8799  
made for it on its label. 8800

(3) The director may immediately suspend a pesticide 8801  
registration, prior to a hearing, when the director believes that 8802  
the pesticide poses an immediate hazard to human or animal health 8803  
or a hazard to the environment. Not later than fifteen days after 8804  
suspending the registration, the director shall determine whether 8805  
the pesticide poses such a hazard. If the director determines that 8806  
no hazard exists, the director shall lift the suspension of the 8807  
registration. If the director determines that a hazard exists, the 8808  
director shall revoke the registration in accordance with Chapter 8809  
119. of the Revised Code. 8810

(I) All money collected under this section shall be credited 8811  
to the pesticide, fertilizer, and lime program fund created in 8812  
section 921.22 of the Revised Code. 8813

**Sec. 1121.30.** (A) All assessments, fees, charges, and 8814  
forfeitures provided for in Chapters 1101. to 1127. and sections 8815  
1315.01 to 1315.18 of the Revised Code, except civil penalties 8816  
assessed pursuant to section 1121.35 or 1315.152 of the Revised 8817  
Code, shall be paid to the superintendent of financial 8818  
institutions, and the superintendent shall deposit them into the 8819  
state treasury to the credit of the banks fund, which is hereby 8820  
created. 8821

(B) The superintendent may expend or obligate the banks fund 8822

to defray the costs of the division of financial institutions in 8823  
administering Chapters 1101. to 1127. and sections 1315.01 to 8824  
1315.18 of the Revised Code. The superintendent shall pay from the 8825  
fund all actual and necessary expenses incurred by the 8826  
superintendent, including for any services rendered by the 8827  
department of commerce for the division's administration of 8828  
Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the 8829  
Revised Code. The fund shall be assessed a proportionate share of 8830  
the administrative costs of the department and the division of 8831  
financial institutions. The proportionate share of the 8832  
administration costs of the division of financial institutions 8833  
shall be determined in accordance with procedures prescribed by 8834  
the superintendent ~~and approved by the director of budget and~~ 8835  
~~management~~. The amount assessed for the fund's proportional share 8836  
of the department's administrative costs and the division's 8837  
administrative costs shall be paid from the banks fund to the 8838  
division of administration fund and the division of financial 8839  
institutions fund respectively. 8840

(C) Any money deposited into the state treasury to the credit 8841  
of the banks fund, but not expended or encumbered by the 8842  
superintendent to defray the costs of administering Chapters 1101. 8843  
to 1127. and sections 1315.01 to 1315.18 of the Revised Code, 8844  
shall remain in the banks fund for expenditures by the 8845  
superintendent in subsequent years and shall not be used for any 8846  
purpose other than as set forth in this section. 8847

**Sec. 1181.06.** There is hereby created in the state treasury 8848  
the financial institutions fund. The fund shall receive 8849  
assessments on the banks fund established under section 1121.30 of 8850  
the Revised Code, the credit unions fund established under section 8851  
1733.321 of the Revised Code, and the consumer finance fund 8852  
established under section 1321.21 of the Revised Code in 8853  
accordance with procedures prescribed by the superintendent of 8854

financial institutions ~~and approved by the director of budget and~~ 8855  
~~management~~. Such assessments shall be in addition to any 8856  
assessments on these funds required under division (G) of section 8857  
121.08 of the Revised Code. All operating expenses of the division 8858  
of financial institutions shall be paid from the financial 8859  
institutions fund. Money in the fund shall be used only for that 8860  
purpose. 8861

**Sec. 1321.21.** All fees, charges, penalties, and forfeitures 8862  
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 8863  
sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of 8864  
the Revised Code shall be paid to the superintendent of financial 8865  
institutions and shall be deposited by the superintendent into the 8866  
state treasury to the credit of the consumer finance fund, which 8867  
is hereby created. The fund may be expended or obligated by the 8868  
superintendent for the defrayment of the costs of administration 8869  
of Chapters 1321., 1322., 4712., 4727., and 4728., sections 8870  
1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised 8871  
Code by the division of financial institutions. All actual and 8872  
necessary expenses incurred by the superintendent, including any 8873  
services rendered by the department of commerce for the division's 8874  
administration of Chapters 1321., 1322., 4712., 4727., and 4728., 8875  
sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of 8876  
the Revised Code, shall be paid from the fund. The fund shall be 8877  
assessed a proportionate share of the administrative costs of the 8878  
department and the division. The proportionate share of the 8879  
administrative costs of the division of financial institutions 8880  
shall be determined in accordance with procedures prescribed by 8881  
the superintendent ~~and approved by the director of budget and~~ 8882  
~~management~~. Such assessment shall be paid from the consumer 8883  
finance fund to the division of administration fund or the 8884  
financial institutions fund. 8885

Periodically, in accordance with a schedule the director 8886

establishes by rule, but at least once every three months, the 8887  
director of budget and management shall transfer five per cent of 8888  
all charges, penalties, and forfeitures received into the consumer 8889  
finance fund to the financial literacy education fund created 8890  
under section 121.085 of the Revised Code. 8891

**Sec. 1322.09.** (A) An application for a certificate of 8892  
registration shall be in writing, under oath, and in a form 8893  
prescribed by the superintendent of financial institutions that 8894  
complies with the requirements of the nationwide mortgage 8895  
licensing system and registry. The application shall be 8896  
accompanied by a nonrefundable application fee of ~~five~~ seven 8897  
hundred fifty dollars for each location of an office to be 8898  
maintained by the applicant in accordance with division (A) of 8899  
section 1322.07 of the Revised Code and any additional fee 8900  
required by the nationwide mortgage licensing system and registry. 8901

(B) Upon the filing of the application and payment of the 8902  
nonrefundable application fee and any fee required by the 8903  
nationwide mortgage licensing system and registry, the 8904  
superintendent shall investigate the applicant and any individual 8905  
whose identity is required to be disclosed in the application. As 8906  
part of that investigation, the superintendent shall conduct a 8907  
civil records check. 8908

If, in order to issue a certificate of registration to an 8909  
applicant, additional investigation by the superintendent outside 8910  
this state is necessary, the superintendent may require the 8911  
applicant to advance sufficient funds to pay the actual expenses 8912  
of the investigation, if it appears that these expenses will 8913  
exceed five hundred dollars. The superintendent shall provide the 8914  
applicant with an itemized statement of the actual expenses that 8915  
the applicant is required to pay. 8916

(C) In connection with applying for a certificate of 8917

registration, the applicant shall furnish to the nationwide 8918  
mortgage licensing system and registry information concerning the 8919  
applicant's identity, including all of the following: 8920

(1) The applicant's fingerprints for submission to the 8921  
federal bureau of investigation, and any other governmental agency 8922  
or entity authorized to receive such information, for purposes of 8923  
a state, national, and international criminal history background 8924  
check; 8925

(2) Personal history and experience in a form prescribed by 8926  
the nationwide mortgage licensing system and registry, along with 8927  
authorization for the superintendent and the nationwide mortgage 8928  
licensing system and registry to obtain both of the following: 8929

(a) An independent credit report from a consumer reporting 8930  
agency; 8931

(b) Information related to any administrative, civil, or 8932  
criminal findings by any governmental jurisdiction. 8933

(D) The superintendent shall pay all funds advanced and 8934  
application and renewal fees and penalties the superintendent 8935  
receives pursuant to this section and section 1322.10 of the 8936  
Revised Code to the treasurer of state to the credit of the 8937  
consumer finance fund created in section 1321.21 of the Revised 8938  
Code. 8939

(E) If an application for a certificate of registration does 8940  
not contain all of the information required under this section, 8941  
and if that information is not submitted to the superintendent or 8942  
to the nationwide mortgage licensing system and registry within 8943  
ninety days after the superintendent or the nationwide mortgage 8944  
licensing system and registry requests the information in writing, 8945  
including by electronic transmission or facsimile, the 8946  
superintendent may consider the application withdrawn. 8947

(F) A certificate of registration and the authority granted 8948

under that certificate is not transferable or assignable and 8949  
cannot be franchised by contract or any other means. 8950

(G)(1) The superintendent may establish relationships or 8951  
enter into contracts with the nationwide mortgage licensing system 8952  
and registry, or any entities designated by it, to collect and 8953  
maintain records and process transaction fees or other fees 8954  
related to mortgage lender, mortgage servicer, or mortgage broker 8955  
certificates of registration or the persons associated with a 8956  
mortgage lender, mortgage servicer, or mortgage broker. 8957

(2) For purposes of this section and to reduce the points of 8958  
contact that the federal bureau of investigation may have to 8959  
maintain, the division of financial institutions may use the 8960  
nationwide mortgage licensing system and registry as a channeling 8961  
agent for requesting information from and distributing information 8962  
to the United States department of justice or other governmental 8963  
agencies. 8964

(3) For purposes of this section and to reduce the points of 8965  
contact that the division may have to maintain, the division may 8966  
use the nationwide mortgage licensing system and registry as a 8967  
channeling agent for requesting information from and distributing 8968  
information to any source as determined by the division. 8969

**Sec. 1322.10.** (A) Upon the conclusion of the investigation 8970  
required under division (B) of section 1322.09 of the Revised 8971  
Code, the superintendent of financial institutions shall issue a 8972  
certificate of registration to the applicant if the superintendent 8973  
finds that the following conditions are met: 8974

(1) The application is accompanied by the application fee and 8975  
any fee required by the nationwide mortgage licensing system and 8976  
registry. 8977

(a) If a check or other draft instrument is returned to the 8978

superintendent for insufficient funds, the superintendent shall 8979  
notify the applicant by certified mail, return receipt requested, 8980  
that the application will be withdrawn unless the applicant, 8981  
within thirty days after receipt of the notice, submits the 8982  
application fee and a one-hundred-dollar penalty to the 8983  
superintendent. If the applicant does not submit the application 8984  
fee and penalty within that time period, or if any check or other 8985  
draft instrument used to pay the fee or penalty is returned to the 8986  
superintendent for insufficient funds, the application shall be 8987  
withdrawn. 8988

(b) If a check or other draft instrument is returned to the 8989  
superintendent for insufficient funds after the certificate of 8990  
registration has been issued, the superintendent shall notify the 8991  
registrant by certified mail, return receipt requested, that the 8992  
certificate of registration issued in reliance on the check or 8993  
other draft instrument will be canceled unless the registrant, 8994  
within thirty days after receipt of the notice, submits the 8995  
application fee and a one-hundred-dollar penalty to the 8996  
superintendent. If the registrant does not submit the application 8997  
fee and penalty within that time period, or if any check or other 8998  
draft instrument used to pay the fee or penalty is returned to the 8999  
superintendent for insufficient funds, the certificate of 9000  
registration shall be canceled immediately without a hearing, and 9001  
the registrant shall cease activity as a mortgage broker. 9002

(2) If the application is for a location that is a residence, 9003  
evidence that the use of the residence to transact business as a 9004  
mortgage lender or mortgage broker is not prohibited. 9005

(3) The applicant maintains all necessary filings and 9006  
approvals required by the secretary of state. 9007

(4) The applicant complies with the surety bond requirements 9008  
of section 1322.32 of the Revised Code. 9009

(5) The applicant has not made a material misstatement of 9010  
fact or material omission of fact in the application. 9011

(6) Neither the applicant nor any person whose identity is 9012  
required to be disclosed on an application for a certificate of 9013  
registration has had such a certificate of registration or 9014  
mortgage loan originator license, or any comparable authority, 9015  
revoked in any governmental jurisdiction or has pleaded guilty or 9016  
nolo contendere to or been convicted of any of the following in a 9017  
domestic, foreign, or military court: 9018

(a) During the seven-year period immediately preceding the 9019  
date of application for the certificate of registration, a 9020  
misdemeanor involving theft or any felony; 9021

(b) At any time prior to the date the application for the 9022  
certificate of registration is approved, a felony involving an act 9023  
of fraud, dishonesty, a breach of trust, theft, or money 9024  
laundering. 9025

(7) The applicant's operations manager successfully completed 9026  
the examination required by section 1322.27 of the Revised Code. 9027

(8) The applicant's financial responsibility, experience, 9028  
character, and general fitness command the confidence of the 9029  
public and warrant the belief that the business will be operated 9030  
honestly, fairly, and efficiently in compliance with the purposes 9031  
of this chapter and the rules adopted thereunder. The 9032  
superintendent shall not use a credit score or a bankruptcy as the 9033  
sole basis for registration denial. 9034

(B) For purposes of determining whether an applicant that is 9035  
a partnership, corporation, or other business entity or 9036  
association has met the conditions set forth in divisions (A)(6) 9037  
and (8) of this section, the superintendent shall determine which 9038  
partners, shareholders, or persons named in the application must 9039  
meet those conditions. This determination shall be based on the 9040

extent and nature of the partner's, shareholder's, or person's 9041  
ownership interest in the partnership, corporation, or other 9042  
business entity or association that is the applicant and on 9043  
whether the person is in a position to direct, control, or 9044  
adversely influence the operations of the applicant. 9045

(C) The certificate of registration issued pursuant to 9046  
division (A) of this section may be renewed annually on or before 9047  
the thirty-first day of December if the superintendent finds that 9048  
all of the following conditions are met: 9049

(1) The renewal application is accompanied by a nonrefundable 9050  
renewal fee of ~~five~~ seven hundred fifty dollars for each location 9051  
of an office to be maintained by the applicant in accordance with 9052  
division (A) of section 1322.07 of the Revised Code and any fee 9053  
required by the nationwide mortgage licensing system and registry. 9054  
If a check or other draft instrument is returned to the 9055  
superintendent for insufficient funds, the superintendent shall 9056  
notify the registrant by certified mail, return receipt requested, 9057  
that the certificate of registration renewed in reliance on the 9058  
check or other draft instrument will be canceled unless the 9059  
registrant, within thirty days after receipt of the notice, 9060  
submits the renewal fee and a one-hundred-dollar penalty to the 9061  
superintendent. If the registrant does not submit the renewal fee 9062  
and penalty within that time period, or if any check or other 9063  
draft instrument used to pay the fee or penalty is returned to the 9064  
superintendent for insufficient funds, the certificate of 9065  
registration shall be canceled immediately without a hearing and 9066  
the registrant shall cease activity as a mortgage broker. 9067

(2) The operations manager designated under section 1322.12 9068  
of the Revised Code has completed at least eight hours of 9069  
continuing education as required under section 1322.28 of the 9070  
Revised Code. 9071

(3) The applicant meets the conditions set forth in divisions 9072

(A)(2) to (8) of this section. 9073

(4) The applicant's certificate of registration is not 9074  
subject to an order of suspension or an unpaid and past due fine 9075  
imposed by the superintendent. 9076

(D)(1) Subject to division (D)(2) of this section, if a 9077  
renewal fee or additional fee required by the nationwide mortgage 9078  
licensing system and registry is received by the superintendent 9079  
after the thirty-first day of December, the certificate of 9080  
registration shall not be considered renewed, and the applicant 9081  
shall cease activity as a mortgage lender or mortgage broker. 9082

(2) Division (D)(1) of this section shall not apply if the 9083  
applicant, not later than forty-five days after the renewal 9084  
deadline, submits the renewal fee or additional fee and a 9085  
~~one hundred dollar~~ one-hundred-fifty-dollar penalty to the 9086  
superintendent. 9087

(E) Certificates of registration issued under this chapter 9088  
annually expire on the thirty-first day of December. 9089

(F) The pardon or expungement of a conviction shall not be 9090  
considered a conviction for purposes of this section. When 9091  
determining the eligibility of an applicant, the superintendent 9092  
may consider the underlying crime, facts, or circumstances 9093  
connected with a pardoned or expunged conviction. 9094

(G) If the renewal fees billed by the superintendent pursuant 9095  
to division (C) of this section and division (B) of section 9096  
1322.21 of the Revised Code are less than the estimated 9097  
expenditures of the consumer finance section of the division of 9098  
financial institutions, as determined by the superintendent, for 9099  
the following fiscal year, the superintendent may assess each 9100  
registrant at a rate sufficient to equal in the aggregate of the 9101  
difference between the renewal fees billed and the estimated 9102  
expenditures. Each registrant shall pay the assessed amount to the 9103

superintendent prior to the last day of June. In no case shall the 9104  
assessment exceed one cent per one hundred dollars of Ohio 9105  
transaction volume for a twelve-month period, as defined by the 9106  
superintendent. If an assessment is imposed under this division, 9107  
it shall not be less than five hundred dollars per registrant and 9108  
shall not exceed thirty thousand dollars for any registrant. 9109

**Sec. 1322.20.** (A) An application for a license as a mortgage 9110  
loan originator shall be in writing, under oath, and in a form 9111  
prescribed by the superintendent of financial institutions that 9112  
complies with the requirements of the nationwide mortgage 9113  
licensing system and registry. The application shall be 9114  
accompanied by a nonrefundable application fee of ~~one~~ two hundred 9115  
fifty dollars and any additional fee required by the nationwide 9116  
mortgage licensing system and registry. 9117

(B)(1) The application shall provide evidence, acceptable to 9118  
the superintendent, that the applicant has successfully completed 9119  
at least twenty-four hours of pre-licensing instruction consisting 9120  
of all of the following: 9121

(a) Twenty hours of instruction in an approved education 9122  
course; 9123

(b) Four hours of instruction in a course or program of study 9124  
reviewed and approved by the superintendent concerning Ohio 9125  
lending laws and the Ohio consumer sales practices act, Chapter 9126  
1345. of the Revised Code, as it applies to registrants and 9127  
licensees. 9128

(2) If an applicant held a valid mortgage loan originator 9129  
license issued by this state at any time during the immediately 9130  
preceding five-year period, the applicant shall not be required to 9131  
complete any additional pre-licensing instruction. For this 9132  
purpose, any time during which the individual is a registered 9133  
mortgage loan originator shall not be taken into account. 9134

(3) A person having successfully completed the pre-licensing education requirement reviewed and approved by the nationwide mortgage licensing system and registry for any state within the previous five years shall be granted credit toward completion of the pre-licensing education requirement of this state.

(C) In addition to the information required under division (B) of this section, the application shall provide both of the following:

(1) Evidence that the applicant passed a written test that meets the requirements described in section 1322.27 of the Revised Code;

(2) Any further information that the superintendent requires.

(D) Upon the filing of the application and payment of the application fee and any fee required by the nationwide mortgage licensing system and registry, the superintendent of financial institutions shall investigate the applicant. As part of that investigation, the superintendent shall conduct a civil records check.

If, in order to issue a license to an applicant, additional investigation by the superintendent outside this state is necessary, the superintendent may require the applicant to advance sufficient funds to pay the actual expenses of the investigation, if it appears that these expenses will exceed five hundred dollars. The superintendent shall provide the applicant with an itemized statement of the actual expenses that the applicant is required to pay.

(E) In connection with applying for a loan originator license, the applicant shall furnish to the nationwide mortgage licensing system and registry information concerning the applicant's identity, including all of the following:

(1) The applicant's fingerprints for submission to the

federal bureau of investigation, and any other governmental agency 9166  
or entity authorized to receive such information, for purposes of 9167  
a state, national, and international criminal history background 9168  
check; 9169

(2) Personal history and experience in a form prescribed by 9170  
the nationwide mortgage licensing system and registry, along with 9171  
authorization for the superintendent and the nationwide mortgage 9172  
licensing system and registry to obtain both of the following: 9173

(a) An independent credit report from a consumer reporting 9174  
agency; 9175

(b) Information related to any administrative, civil, or 9176  
criminal findings by any governmental jurisdiction. 9177

(F) The superintendent shall pay all funds advanced and 9178  
application and renewal fees and penalties the superintendent 9179  
receives pursuant to this section and section 1322.21 of the 9180  
Revised Code to the treasurer of state to the credit of the 9181  
consumer finance fund created in section 1321.21 of the Revised 9182  
Code. 9183

(G) If an application for a mortgage loan originator license 9184  
does not contain all of the information required under this 9185  
section, and if that information is not submitted to the 9186  
superintendent or to the nationwide mortgage licensing system and 9187  
registry within ninety days after the superintendent or the 9188  
nationwide mortgage licensing system and registry requests the 9189  
information in writing, including by electronic transmission or 9190  
facsimile, the superintendent may consider the application 9191  
withdrawn. 9192

(H)(1) The superintendent may establish relationships or 9193  
enter into contracts with the nationwide mortgage licensing system 9194  
and registry, or any entities designated by it, to collect and 9195  
maintain records and process transaction fees or other fees 9196

related to mortgage loan originator licenses or the persons 9197  
associated with a licensee. 9198

(2) For purposes of this section and to reduce the points of 9199  
contact that the federal bureau of investigation may have to 9200  
maintain, the division of financial institutions may use the 9201  
nationwide mortgage licensing system and registry as a channeling 9202  
agent for requesting information from and distributing information 9203  
to the United States department of justice or other governmental 9204  
agencies. 9205

(3) For purposes of this section and to reduce the points of 9206  
contact that the division may have to maintain, the division may 9207  
use the nationwide mortgage licensing system and registry as a 9208  
channeling agent for requesting information from and distributing 9209  
information to any source as determined by the division. 9210

(I) A mortgage loan originator license, or the authority 9211  
granted under that license, is not assignable or transferable. 9212

**Sec. 1322.21.** (A) Upon the conclusion of the investigation 9213  
required under division (C) of section 1322.20 of the Revised 9214  
Code, the superintendent of financial institutions shall issue a 9215  
mortgage loan originator license to the applicant if the 9216  
superintendent finds that the following conditions are met: 9217

(1) The application is accompanied by the application fee and 9218  
any fee required by the nationwide mortgage licensing system and 9219  
registry. 9220

(a) If a check or other draft instrument is returned to the 9221  
superintendent for insufficient funds, the superintendent shall 9222  
notify the applicant by certified mail, return receipt requested, 9223  
that the application will be withdrawn unless the applicant, 9224  
within thirty days after receipt of the notice, submits the 9225  
application fee and a one-hundred-dollar penalty to the 9226

superintendent. If the applicant does not submit the application 9227  
fee and penalty within that time period, or if any check or other 9228  
draft instrument used to pay the fee or penalty is returned to the 9229  
superintendent for insufficient funds, the application shall be 9230  
withdrawn. 9231

(b) If a check or other draft instrument is returned to the 9232  
superintendent for insufficient funds after the license has been 9233  
issued, the superintendent shall notify the licensee by certified 9234  
mail, return receipt requested, that the license issued in 9235  
reliance on the check or other draft instrument will be canceled 9236  
unless the licensee, within thirty days after receipt of the 9237  
notice, submits the application fee and a one-hundred-dollar 9238  
penalty to the superintendent. If the licensee does not submit the 9239  
application fee and penalty within that time period, or if any 9240  
check or other draft instrument used to pay the fee or penalty is 9241  
returned to the superintendent for insufficient funds, the license 9242  
shall be canceled immediately without a hearing, and the licensee 9243  
shall cease activity as a loan originator. 9244

(2) The applicant has not made a material misstatement of 9245  
fact or material omission of fact in the application. 9246

(3) The applicant has not been convicted of or pleaded guilty 9247  
or nolo contendere to any of the following in a domestic, foreign, 9248  
or military court: 9249

(a) During the seven-year period immediately preceding the 9250  
date of application for the license, a misdemeanor involving theft 9251  
or any felony; 9252

(b) At any time prior to the date the application for the 9253  
license is approved, a felony involving an act of fraud, 9254  
dishonesty, a breach of trust, theft, or money laundering. 9255

(4) The applicant completed the prelicensing instruction set 9256  
forth in division (B) of section 1322.20 of the Revised Code. 9257

(5) The applicant's financial responsibility, character, and 9258  
general fitness command the confidence of the public and warrant 9259  
the belief that the business will be operated honestly and fairly 9260  
in compliance with the purposes of this chapter. The 9261  
superintendent shall not use a credit score or bankruptcy as the 9262  
sole basis for a license denial. 9263

(6) The applicant is in compliance with the surety bond 9264  
requirements of section 1322.32 of the Revised Code. 9265

(7) The applicant has not had a mortgage loan originator 9266  
license, or comparable authority, revoked in any governmental 9267  
jurisdiction. 9268

(B) The license issued under division (A) of this section may 9269  
be renewed annually on or before the thirty-first day of December 9270  
if the superintendent finds that all of the following conditions 9271  
are met: 9272

(1) The renewal application is accompanied by a nonrefundable 9273  
renewal fee of ~~one~~ two hundred fifty dollars and any fee required 9274  
by the nationwide mortgage licensing system and registry. If a 9275  
check or other draft instrument is returned to the superintendent 9276  
for insufficient funds, the superintendent shall notify the 9277  
licensee by certified mail, return receipt requested, that the 9278  
license renewed in reliance on the check or other draft instrument 9279  
will be canceled unless the licensee, within thirty days after 9280  
receipt of the notice, submits the renewal fee and a 9281  
one-hundred-dollar penalty to the superintendent. If the licensee 9282  
does not submit the renewal fee and penalty within that time 9283  
period, or if any check or other draft instrument used to pay the 9284  
fee or penalty is returned to the superintendent for insufficient 9285  
funds, the license shall be canceled immediately without a 9286  
hearing, and the licensee shall cease activity as a loan 9287  
originator. 9288

(2) The applicant has completed at least eight hours of continuing education as required under section 1322.28 of the Revised Code.

(3) The applicant meets the conditions set forth in divisions (A)(2) to (7) of this section.

(4) The applicant's license is not subject to an order of suspension or an unpaid and past due fine imposed by the superintendent.

(C)(1) Subject to division (C)(2) of this section, if a license renewal application fee, including any fee required by the nationwide mortgage licensing system and registry, is received by the superintendent after the thirty-first day of December, the license shall not be considered renewed, and the applicant shall cease activity as a mortgage loan originator.

(2) Division (C)(1) of this section shall not apply if the applicant, not later than forty-five days after the renewal deadline, submits the renewal application and any other required fees and a ~~one hundred dollar~~ one hundred-fifty-dollar penalty to the superintendent.

(D) Mortgage originator licenses annually expire on the thirty-first day of December.

(E) The pardon or expungement of a conviction shall not be considered a conviction for purposes of this section. When determining the eligibility of an applicant, the superintendent may consider the underlying crime, facts, or circumstances connected with a pardoned or expunged conviction.

**Sec. 1327.501.** (A) No person shall operate in this state a commercially used weighing and measuring device that provides the quantity or cost of a final transaction and for which a fee is established in division (G) of this section unless the operator of

the device obtains a permit issued by the director of agriculture 9319  
or the director's designee. 9320

(B) ~~An application for a permit~~ A person shall ~~be submitted~~ 9321  
submit a permit application to the director on a form that the 9322  
director prescribes and provides. The applicant shall include with 9323  
the application any information that is specified on the 9324  
application form as well as the application fee established in 9325  
this section. 9326

(C) Upon receipt of a completed application and the required 9327  
fee from an applicant, the director or the director's designee 9328  
shall issue or deny the permit to operate the commercially used 9329  
weighing and measuring device that was the subject of the 9330  
application. 9331

(D) A permit issued under this section expires on the 9332  
thirtieth day of June of the year following its issuance and may 9333  
be renewed annually on or before the first day of July of that 9334  
year upon payment of a permit renewal fee established in this 9335  
section. 9336

(E) If a permit renewal fee is more than sixty days past due, 9337  
the director may assess a late penalty in an amount established 9338  
under this section. 9339

(F) The director shall do both of the following: 9340

(1) Establish procedures and requirements governing the 9341  
issuance or denial of permits under this section; 9342

(2) Establish late penalties to be assessed for the late 9343  
payment of a permit renewal fee and fees for the replacement of 9344  
lost or destroyed permits. 9345

(G) An applicant for a permit to operate under this section 9346  
shall pay an application fee in the following applicable amount: 9347

(1) ~~Seventy-five~~ One hundred dollars for a livestock scale; 9348

(2) ~~Seventy five~~ One hundred dollars for a vehicle scale; 9349

(3) ~~Seventy five~~ One hundred dollars for a railway scale; 9350

(4) ~~Seventy five~~ One hundred dollars for a vehicle tank 9351  
meter; 9352

(5) ~~Seventy five~~ One hundred dollars for a bulk rack meter; 9353

(6) ~~Seventy five~~ One hundred dollars for an LPG meter. 9354

A person who is issued a permit under this section and who 9355  
seeks to renew that permit shall pay an annual permit renewal fee. 9356  
The amount of a permit renewal fee shall be equal to the 9357  
application fee for that permit established in this division. 9358

(H) All money collected through the payment of fees and the 9359  
imposition of penalties under this section shall be credited to 9360  
the metrology and scale certification and device permitting fund 9361  
created in section 1327.511 of the Revised Code. 9362

**Sec. 1503.03.** The chief of the division of forestry shall 9363  
cooperate with all state operated universities and the department 9364  
of agriculture. The chief, with the approval of the director of 9365  
natural resources, may purchase or acquire by gift, donations, or 9366  
contributions any interest in land suitable for forestry purposes. 9367  
The chief may enter into agreements with the federal government or 9368  
other agencies for the acquisition, by lease, purchase, or 9369  
otherwise, of such lands as in the judgment of the chief and 9370  
director are desirable for state forests, building sites, or 9371  
nursery lands. The chief may expend funds, not otherwise 9372  
obligated, for the management, development, and utilization of 9373  
such lands. 9374

The chief, with the approval of the director of natural 9375  
resources, may acquire by lease, purchase, gift, or otherwise, in 9376  
the name of the state, forested or other lands in the state 9377  
suitable for the growth of forest trees to the amount of the 9378

appropriation for that purpose. The chief shall prepare and submit 9379  
to the director of natural resources maps and descriptions of such 9380  
areas including and adjacent to the existing state forest lands, 9381  
the lands within which, not at the time belonging to the state, 9382  
are properly subject to purchase as state forest lands for reasons 9383  
of protection, utilization, and administration. When such an area 9384  
is approved by the director of natural resources, it shall be 9385  
known as a state forest purchase area and the map and description, 9386  
with the approval of the director of natural resources indorsed 9387  
thereon, shall be filed in duplicate with the ~~auditor of state~~ 9388  
director of administrative services and the attorney general. 9389

All lands purchased for forest purposes shall be deeded to 9390  
the state, but the purchase price of such lands shall not be paid 9391  
until the title thereof has been approved by the attorney general. 9392  
The price of such lands shall not exceed the appropriation for 9393  
such purposes. 9394

**Sec. 1503.05.** (A) The chief of the division of forestry may 9395  
sell timber and other forest products from the state forest ~~and,~~ 9396  
state forest nurseries, and federal lands in accordance with the 9397  
terms of an agreement under section 1503.271 of the Revised Code 9398  
whenever the chief considers such a sale desirable ~~and, with.~~ With 9399  
the approval of the attorney general and the director of natural 9400  
resources, the chief may sell portions of the state forest lands 9401  
when such a sale is advantageous to the state. 9402

(B) Except as otherwise provided in this section, a timber 9403  
sale agreement shall not be executed unless the person or 9404  
governmental entity bidding on the sale executes and files a 9405  
surety bond conditioned on completion of the timber sale in 9406  
accordance with the terms of the agreement in an amount determined 9407  
by the chief. All bonds shall be given in a form prescribed by the 9408  
chief and shall run to the state as obligee. 9409

The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the attorney in fact thereof, with a certified copy of the power of attorney attached. The chief shall not approve the bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to transact a fidelity and surety business in this state.

In lieu of a bond, the bidder may deposit any of the following:

(1) Cash in an amount equal to the amount of the bond;

(2) United States government securities having a par value equal to or greater than the amount of the bond;

(3) Negotiable certificates of deposit or irrevocable letters of credit issued by any bank organized or transacting business in this state having a par value equal to or greater than the amount of the bond.

The cash or securities shall be deposited on the same terms as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any of the certificates to pledge securities of the aggregate market value equal to the amount of the certificate or certificates that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those designated as eligible under section 135.18 of the Revised Code. The securities shall be security for the repayment of the certificate or certificates of deposit.

Immediately upon a deposit of cash, securities, certificates of deposit, or letters of credit, the chief shall deliver them to the treasurer of state, who shall hold them in trust for the purposes for which they have been deposited. The treasurer of state is responsible for the safekeeping of the deposits. A bidder

making a deposit of cash, securities, certificates of deposit, or 9441  
letters of credit may withdraw and receive from the treasurer of 9442  
state, on the written order of the chief, all or any portion of 9443  
the cash, securities, certificates of deposit, or letters of 9444  
credit upon depositing with the treasurer of state cash, other 9445  
United States government securities, or other negotiable 9446  
certificates of deposit or irrevocable letters of credit issued by 9447  
any bank organized or transacting business in this state, equal in 9448  
par value to the par value of the cash, securities, certificates 9449  
of deposit, or letters of credit withdrawn. 9450

A bidder may demand and receive from the treasurer of state 9451  
all interest or other income from any such securities or 9452  
certificates as it becomes due. If securities so deposited with 9453  
and in the possession of the treasurer of state mature or are 9454  
called for payment by their issuer, the treasurer of state, at the 9455  
request of the bidder who deposited them, shall convert the 9456  
proceeds of the redemption or payment of the securities into other 9457  
United States government securities, negotiable certificates of 9458  
deposit, or cash as the bidder designates. 9459

When the chief finds that a person or governmental agency has 9460  
failed to comply with the conditions of the person's or 9461  
governmental agency's bond, the chief shall make a finding of that 9462  
fact and declare the bond, cash, securities, certificates, or 9463  
letters of credit forfeited. The chief thereupon shall certify the 9464  
total forfeiture to the attorney general, who shall proceed to 9465  
collect the amount of the bond, cash, securities, certificates, or 9466  
letters of credit. 9467

In lieu of total forfeiture, the surety, at its option, may 9468  
cause the timber sale to be completed or pay to the treasurer of 9469  
state the cost thereof. 9470

All ~~moneys~~ money collected as a result of forfeitures of 9471  
bonds, cash, securities, certificates, and letters of credit under 9472

this section shall be credited to the state forest fund created in 9473  
this section. 9474

(C) The chief may grant easements and leases on portions of 9475  
the state forest lands and state forest nurseries under terms that 9476  
are advantageous to the state, and the chief may grant mineral 9477  
rights on a royalty basis on those lands and nurseries, with the 9478  
approval of the attorney general and the director. 9479

(D) All ~~moneys~~ money received from the sale of state forest 9480  
lands, or in payment for easements or leases on or as rents from 9481  
those lands or from state forest nurseries, shall be paid into the 9482  
state treasury to the credit of the state forest fund, which is 9483  
hereby created. In addition, all ~~moneys~~ money received from 9484  
federal grants, payments, and reimbursements, from the sale of 9485  
reforestation tree stock, from the sale of forest products, other 9486  
than standing timber, and from the sale of minerals taken from the 9487  
state forest lands and state forest nurseries, together with 9488  
royalties from mineral rights, shall be paid into the state 9489  
treasury to the credit of the state forest fund. Any other 9490  
revenues derived from the operation of the state forests and 9491  
related facilities or equipment also shall be paid into the state 9492  
treasury to the credit of the state forest fund, as shall 9493  
contributions received for the issuance of Smokey Bear license 9494  
plates under section 4503.574 of the Revised Code and any other 9495  
~~moneys~~ money required by law to be deposited in the fund. Any 9496  
revenue generated from agreements entered into under section 9497  
1503.271 of the Revised Code shall be deposited in the fund. 9498

The state forest fund shall not be expended for any purpose 9499  
other than the administration, operation, maintenance, 9500  
development, or utilization of the state forests, forest 9501  
nurseries, and forest programs, ~~for~~ for facilities or equipment 9502  
incident to them, ~~for~~ for the further purchase of lands for state 9503  
forest or forest nursery purposes, ~~or~~ or for wildfire suppression 9504

payments ~~and,; for fire prevention purposes~~ in the case of 9505  
contributions received pursuant to section 4503.574 of the Revised 9506  
Code, ~~for fire prevention purposes; or for forest management~~ 9507  
projects associated with federal lands in the case of revenues 9508  
received pursuant to agreements entered into under section 9509  
1503.271 of the Revised Code. 9510

(E) All ~~moneys~~ money received from the sale of standing 9511  
timber taken from state forest lands and state forest nurseries 9512  
shall be deposited into the state treasury to the credit of the 9513  
forestry holding account redistribution fund, which is hereby 9514  
created. The ~~moneys~~ money shall remain in the fund until they are 9515  
redistributed in accordance with this division. 9516

The redistribution shall occur at least once each year. To 9517  
begin the redistribution, the chief first shall determine the 9518  
amount of all standing timber sold from state forest lands and 9519  
state forest nurseries, together with the amount of the total sale 9520  
proceeds, in each county, in each township within the county, and 9521  
in each school district within the county. The chief next shall 9522  
determine the amount of the direct costs that the division of 9523  
forestry incurred in association with the sale of that standing 9524  
timber. The amount of the direct costs shall be subtracted from 9525  
the amount of the total sale proceeds and shall be transferred 9526  
from the forestry holding account redistribution fund to the state 9527  
forest fund. 9528

The remaining amount of the total sale proceeds equals the 9529  
net value of the standing timber that was sold. The chief shall 9530  
determine the net value of standing timber sold from state forest 9531  
lands and state forest nurseries in each county, in each township 9532  
within the county, and in each school district within the county 9533  
and shall send to each county treasurer a copy of the 9534  
determination at the time that ~~moneys are~~ money is paid to the 9535  
county treasurer under this division. 9536

Thirty-five per cent of the net value of standing timber sold 9537  
from state forest lands and state forest nurseries located in a 9538  
county shall be transferred from the forestry holding account 9539  
redistribution fund to the state forest fund. The remaining 9540  
sixty-five per cent of the net value shall be transferred from the 9541  
forestry holding account redistribution fund and paid to the 9542  
county treasurer for the use of the general fund of that county. 9543

The county auditor shall do all of the following: 9544

(1) Retain for the use of the general fund of the county 9545  
one-fourth of the amount received by the county under division 9546  
~~(D)~~(E) of this section; 9547

(2) Pay into the general fund of any township located within 9548  
the county and containing such lands and nurseries one-fourth of 9549  
the amount received by the county from standing timber sold from 9550  
lands and nurseries located in the township; 9551

(3) Request the board of education of any school district 9552  
located within the county and containing such lands and nurseries 9553  
to identify which fund or funds of the district should receive the 9554  
~~moneys~~ money available to the school district under division 9555  
~~(D)~~~~(3)~~(E)(3) of this section. After receiving notice from the 9556  
board, the county auditor shall pay into the fund or funds so 9557  
identified one-half of the amount received by the county from 9558  
standing timber sold from lands and nurseries located in the 9559  
school district, distributed proportionately as identified by the 9560  
board. 9561

The division of forestry shall not supply logs, lumber, or 9562  
other forest products or minerals, taken from the state forest 9563  
lands or state forest nurseries, to any other agency or 9564  
subdivision of the state unless payment is made therefor in the 9565  
amount of the actual prevailing value thereof. This section is 9566  
applicable to the ~~moneys~~ money so received. 9567

~~(E)~~(F) The chief may enter into a personal service contract 9568  
for consulting services to assist the chief with the sale of 9569  
timber or other forest products and related inventory. 9570  
Compensation for consulting services shall be paid from the 9571  
proceeds of the sale of timber or other forest products and 9572  
related inventory that are the subject of the personal service 9573  
contract. 9574

**Sec. 1503.141.** (A) As used in this section, "firefighting 9575  
agency" and "private fire company" have the same meanings as in 9576  
section 9.60 of the Revised Code. 9577

(B) Each fiscal year, the director of natural resources or 9578  
the director's designee shall designate not more than two hundred 9579  
thousand dollars in the state forest fund created in section 9580  
1503.05 of the Revised Code for wildfire suppression payments. The 9581  
amount designated shall consist only of money credited to the fund 9582  
from the sale of standing timber taken from state forest lands as 9583  
set forth in that section. 9584

(C) The director or the director's designee may use money 9585  
designated for wildfire suppression payments to reimburse 9586  
firefighting agencies and private fire companies for their costs 9587  
incurred in the suppression of wildfires in counties within fire 9588  
protection areas established under section 1503.08 of the Revised 9589  
Code where there is a state forest or national forest, or portion 9590  
thereof. The director or the director's designee may provide such 9591  
reimbursement in additional counties. The director or the 9592  
director's designee shall provide such reimbursement pursuant to 9593  
agreements and contracts entered into under section 1503.14 of the 9594  
Revised Code and in accordance with the following schedule: 9595

~~(A)~~(1) For wildfire suppression on private land, an initial 9596  
seventy-dollar payment to the firefighting agency or private fire 9597  
company; 9598

~~(B)(2)~~ For wildfire suppression on land under the 9599  
administration or care of the department of natural resources or 9600  
on land that is part of any national forest administered by the 9601  
United States department of agriculture forest service, an initial 9602  
one-hundred-dollar payment to the firefighting agency or private 9603  
fire company; 9604

~~(C)(3)~~ For any wildfire suppression on land specified in 9605  
division ~~(A)(C)(1)~~ or ~~(B)(2)~~ of this section lasting more than two 9606  
hours, an additional payment of thirty-five dollars per hour. 9607

~~As used in this section, "firefighting agency" and "private 9608  
fire company" have the same meanings as in section 9.60 of the 9609  
Revised Code~~ (D) For wildfire suppression, prescribed fire 9610  
assistance, or emergency response support to federal agencies, the 9611  
division may reimburse costs in addition to the amounts set forth 9612  
in division (C) of this section provided those costs are eligible 9613  
in accordance with an agreement under section 1503.27 of the 9614  
Revised Code. 9615

Sec. 1503.271. The chief of the division of forestry may 9616  
enter into agreements with the federal government under 16 U.S.C. 9617  
2113a or other applicable federal statutes for the purpose of 9618  
forest management projects, including timber sales. 9619

**Sec. 1503.33.** In order to further cooperation with other 9620  
states and with federal agencies, the chief of the division of 9621  
forestry, with the approval of the director of natural resources, 9622  
may request assistance and aid from and may provide assistance and 9623  
aid to other states, groups of states, and federal agencies in the 9624  
protection of forests from forest fires and may enter into 9625  
agreements for that purpose. Upon the request of another state, 9626  
the chief may send to or receive from that state such personnel, 9627  
equipment, and supplies as may be available and appropriate for 9628

use in accordance with the terms of the applicable agreement. 9629

Employees of ~~the division~~ this state serving outside the 9630  
state under the terms of an agreement entered into under this 9631  
section shall be considered as performing services within their 9632  
regular employment for the purposes of compensation, pension or 9633  
indemnity fund rights, workers' compensation, and other rights or 9634  
benefits to which they may be entitled as incidents of their 9635  
regular employment. Such employees retain personal immunity from 9636  
civil liability as specified in section 9.86 of the Revised Code. 9637

**Sec. 1505.09.** (A) There is hereby created in the state 9638  
treasury the geological mapping fund, to be administered by the 9639  
chief of the division of geological survey. Except as provided in 9640  
~~divisions~~ division (C) and ~~(D)~~ of this section, the fund shall be 9641  
used for ~~both~~ any of the following purposes: 9642

(1) Performing the necessary field, laboratory, and 9643  
administrative tasks to map and make public reports on the 9644  
geology, geologic hazards, and energy and mineral resources of the 9645  
state; 9646

(2) The administration of the oil and gas leasing commission 9647  
created in section 1509.71 of the Revised Code; 9648

(3) To award grants to geology departments at state colleges 9649  
and universities for undergraduate or graduate level research 9650  
conducted at locations of geological interest in the state. The 9651  
chief shall award grants at least annually, but at the chief's 9652  
discretion, may award grants more frequently; 9653

(4) To provide materials such as rock and mineral kits to 9654  
state elementary and secondary schools to assist students in the 9655  
study of geology. 9656

(B) The sources of money for the fund shall include all of 9657  
the following: 9658

(1) The mineral severance tax as specified in section 5749.02 9659  
of the Revised Code; 9660

(2) Transfers made to the fund in accordance with section 9661  
6111.046 of the Revised Code; 9662

~~(3) Contributions that a person pays to the bureau of motor 9663  
vehicles to obtain "Ohio geology" license plates under section 9664  
4503.515 of the Revised Code; 9665~~

~~(4) The fees collected under rules adopted under section 9666  
1505.05 of the Revised Code. 9667~~

The chief may seek federal or other money in addition to the 9668  
mineral severance tax and fees to carry out the purposes of this 9669  
section. If the chief receives federal money for the purposes of 9670  
this section, the chief shall deposit that money into the state 9671  
treasury to the credit of a fund created by the controlling board 9672  
to carry out those purposes. 9673

Other money received by the chief for the purposes of this 9674  
section in addition to the mineral severance tax, fees, and 9675  
federal money shall be credited to the geological mapping fund. 9676

(C) Any money transferred to the geological mapping fund in 9677  
accordance with section 6111.046 of the Revised Code shall be used 9678  
by the chiefs of the divisions of mineral resources management, 9679  
oil and gas resources management, geological survey, and water 9680  
resources in the department of natural resources for the purpose 9681  
of executing their duties under sections 6111.043 to 6111.047 of 9682  
the Revised Code. 9683

~~(D) The director of natural resources shall use contributions 9684  
from "Ohio geology" license plates deposited into the fund for 9685  
both of the following purposes in order of preference: 9686~~

~~(1) To award grants to geology departments at state colleges 9687  
and universities for graduate level research conducted at 9688~~

~~locations of geological interest in the state;~~ 9689

~~(2) To provide materials such as rock and mineral kits to 9690  
state elementary and secondary schools to assist students in the 9691  
study of geology. 9692~~

~~The director shall award grants at least annually, but at the 9693  
director's discretion, may award grants more frequently. 9694~~

**Sec. 1509.12.** (A) (1) ~~No owner of any well person shall 9695  
construct or operate a well, or permit defective casing in a well 9696  
to leak fluids or gases, that causes damage to other permeable 9697  
strata, underground sources of drinking water, or the surface of 9698  
the land or that threatens the public health and safety or the 9699  
environment. Upon 9700~~

(2) No owner of a well shall permit defective casing in a 9701  
well to leak fluids or gases. 9702

(3) Upon the discovery that the casing in a well is defective 9703  
or that a well was not adequately constructed, the person that 9704  
constructed the well or owner of the well shall notify the chief 9705  
of the division of oil and gas resources management within 9706  
twenty-four hours of the discovery, and the owner shall 9707  
immediately repair the casing, correct the construction 9708  
inadequacies, or plug and abandon the well. 9709

(B) When the chief finds that a well should be plugged, the 9710  
chief shall notify the person that constructed the well or 9711  
owner of the well to that effect by order in writing and shall specify 9712  
in the order a reasonable time within which to comply. No ~~owner 9713  
person~~ shall fail or refuse to plug a well within the time 9714  
specified in the order. Each day on which such a well remains 9715  
unplugged thereafter constitutes a separate offense. 9716

Where the plugging method prescribed by rules adopted 9717  
pursuant to section 1509.15 of the Revised Code cannot be applied 9718

or if applied would be ineffective in carrying out the protection 9719  
that the law is meant to give, the chief may designate a different 9720  
method of plugging. The abandonment report shall show the manner 9721  
in which the well was plugged. 9722

(C) In case of oil or gas wells abandoned prior to September 9723  
1, 1978, the board of county commissioners of the county in which 9724  
the wells are located may submit to the electors of the county the 9725  
question of establishing a special fund, by general levy, by 9726  
general bond issue, or out of current funds, which shall be 9727  
approved by a majority of the electors voting upon that question 9728  
for the purpose of plugging the wells. The fund shall be 9729  
administered by the board and the plugging of oil and gas wells 9730  
shall be under the supervision of the chief, and the board shall 9731  
let contracts for that purpose, provided that the fund shall not 9732  
be used for the purpose of plugging oil and gas wells that were 9733  
abandoned subsequent to September 1, 1978. 9734

**Sec. 1509.13.** (A) ~~No~~ (1) Except as otherwise provided in 9735  
division (A)(2) of this section and division (E)(1) of section 9736  
1509.071 of the Revised Code, no person shall plug and abandon a 9737  
well without having a permit to do so issued by the chief of the 9738  
division of oil and gas resources management. The permit shall be 9739  
issued by the chief in accordance with this chapter and shall be 9740  
valid for a period of twenty-four months from the date of issue. 9741

(2) The holder of a valid permit issued under section 1509.06 9742  
of the Revised Code may receive approval from an oil and gas 9743  
resources inspector to plug and abandon the well associated with 9744  
that permit, without obtaining the permit required under division 9745  
(A) of this section, if either of the following apply: 9746

(a) The well was drilled to total depth and the well cannot 9747  
or will not be completed. 9748

(b) The well is a lost hole or dry hole. 9749

(3) A permit holder plugging a well pursuant to division (A)(2)(a) of this section shall plug the well within thirty days of receipt of approval from the oil and gas resources inspector. 9750  
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(4) A permit holder plugging a well pursuant to division (A)(2)(b) of this section shall plug the well immediately after determining that the well is a lost hole or dry hole in accordance with rules adopted under this chapter. 9753  
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~~(B) Application by the owner~~ The application for a permit to plug and abandon shall be filed as many days in advance as will be necessary for an oil and gas resources inspector or, if the well is located in a coal bearing township, both a deputy mine inspector and an oil and gas resources inspector to be present at the plugging. The application shall be filed with the chief upon a form that the chief prescribes and shall contain the following information: 9757  
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(1) The name and address of the ~~owner~~ applicant; 9765

(2) The signature of the ~~owner~~ applicant or the ~~owner's~~ applicant's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as that agent. 9766  
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(3) The location of the well identified by section or lot number, city, village, township, and county; 9770  
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(4) Designation of well by name and number; 9772

(5) The total depth of the well to be plugged; 9773

(6) The date and amount of last production from the well; 9774

(7) Other ~~data~~ information that the chief may require. 9775

(C) Except as otherwise provided in division (E)(2)(a) of section 1509.071 of the Revised Code, ~~if oil or gas has been produced from the well,~~ the application shall be accompanied by a nonrefundable fee of two hundred fifty dollars. ~~If a well has been~~ 9776  
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~~drilled in accordance with law and the permit is still valid, the~~ 9780  
~~permit holder may receive approval to plug the well from an oil~~ 9781  
~~and gas resources inspector so that the well can be plugged and~~ 9782  
~~abandoned without undue delay.~~ Unless waived by an oil and gas 9783  
resources inspector, the owner of a well or the owner's authorized 9784  
representative shall notify an oil and gas resources inspector at 9785  
least twenty-four hours prior to the commencement of the plugging 9786  
of a well. No well shall be plugged and abandoned without an oil 9787  
and gas resources inspector present unless permission has been 9788  
granted by the chief. The owner of a well that has produced oil or 9789  
gas shall give written notice at the same time to the owner of the 9790  
land upon which the well is located and to all lessors that 9791  
receive gas from the well pursuant to a ~~lease~~ an agreement. If the 9792  
well penetrates or passes within one hundred feet of the 9793  
excavations and workings of a mine, the owner of the well shall 9794  
give written notice to the owner or lessee of that mine, ~~of the~~ 9795  
~~well owner's~~ intention to abandon the well and of the time when 9796  
the ~~well~~ owner of the well will be prepared to commence plugging 9797  
it. 9798

(D) An applicant may file a request with the chief for 9799  
expedited review of an application for a permit to plug and 9800  
abandon a well. The chief may refuse to accept a request for 9801  
expedited review if, in the chief's judgment, acceptance of the 9802  
request will prevent the issuance, within twenty-one days of 9803  
filing, of permits for which applications filed under section 9804  
1509.06 of the Revised Code are pending. In addition to a complete 9805  
application for a permit that meets the requirements of this 9806  
section and the permit fee prescribed by this section, if 9807  
applicable, a request shall be accompanied by a nonrefundable 9808  
filing fee of five hundred dollars unless the chief has ordered 9809  
the applicant to plug and abandon the well. When a request for 9810  
expedited review is filed, the chief shall immediately begin to 9811  
process the application and shall issue a permit within seven days 9812

of the filing of the request unless the chief, by order, denies 9813  
the application. 9814

(E) This (1) Except as otherwise provided in division (E)(2) 9815  
of this section, any person undertaking the plugging of a well for 9816  
which a permit has been issued under this section shall obtain 9817  
insurance for bodily injury coverage and property damage coverage 9818  
in the amount established under section 1509.07 of the Revised 9819  
Code to pay for damages or injury to property or person, including 9820  
damages caused by the plugging of the well. The person shall 9821  
electronically submit proof of insurance to the chief upon the 9822  
chief's request. 9823

(2) Division (E)(1) of this section does not apply to a 9824  
person already required to maintain an insurance policy under 9825  
section 1509.07 of the Revised Code. 9826

(F) This section does not apply to a well plugged or 9827  
abandoned in compliance with section 1571.05 of the Revised Code. 9828

**Sec. 1513.08.** (A) After a coal mining and reclamation permit 9829  
application has been approved, the applicant shall file with the 9830  
chief of the division of mineral resources management, on a form 9831  
prescribed and furnished by the chief, the performance security 9832  
required under this section that shall be payable to the state and 9833  
conditioned on the faithful performance of all the requirements of 9834  
this chapter and rules adopted under it and the terms and 9835  
conditions of the permit. 9836

(B) Using the information contained in the permit 9837  
application; the requirements contained in the approved permit and 9838  
reclamation plan; and, after considering the topography, geology, 9839  
hydrology, and revegetation potential of the area of the approved 9840  
permit, the probable difficulty of reclamation; the chief shall 9841  
determine the estimated cost of reclamation under the initial term 9842  
of the permit if the reclamation has to be performed by the 9843

division of mineral resources management in the event of 9844  
forfeiture of the performance security by the applicant. The chief 9845  
shall send written notice of the amount of the estimated cost of 9846  
reclamation by certified mail to the applicant. The applicant 9847  
shall send written notice to the chief indicating the method by 9848  
which the applicant will provide the performance security pursuant 9849  
to division (C) of this section. 9850

(C) The applicant shall provide the performance security in 9851  
an amount using one of the following: 9852

(1) If the applicant elects to provide performance security 9853  
without reliance on the reclamation forfeiture fund created in 9854  
section 1513.18 of the Revised Code, the amount of the estimated 9855  
cost of reclamation as determined by the chief under division (B) 9856  
of this section for the increments of land on which the operator 9857  
will conduct a coal mining and reclamation operation under the 9858  
initial term of the permit as indicated in the application; 9859

(2) If the applicant elects to provide performance security 9860  
together with reliance on the reclamation forfeiture fund through 9861  
payment of the additional tax on the severance of coal that is 9862  
levied under division (A)(8) of section 5749.02 of the Revised 9863  
Code, an amount of twenty-five hundred dollars per acre of land on 9864  
which the operator will conduct coal mining and reclamation under 9865  
the initial term of the permit as indicated in the application. 9866  
~~However, in~~ In order for an applicant to be eligible to provide 9867  
performance security in accordance with division (C)(2) of this 9868  
section, the applicant, an owner and controller of the applicant, 9869  
or an affiliate of the applicant shall have held a permit issued 9870  
under this chapter for any coal mining and reclamation operation 9871  
for a period of not less than five years. ~~It~~ 9872

If a permit is transferred, assigned, or sold, the transferee 9873  
is not eligible to provide performance security under division 9874  
(C)(2) of this section if the transferee has not held a permit 9875

issued under this chapter for any coal mining and reclamation operation for a period of not less than five years. This restriction applies even if the status or name of the permittee otherwise remains the same after the transfer, assignment, or sale. 9876  
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In the event of forfeiture of performance security that was provided in accordance with division (C)(2) of this section, the difference between the amount of that performance security and the estimated cost of reclamation as determined by the chief under division (B) of this section shall be obtained from money in the reclamation forfeiture fund as needed to complete the reclamation. 9881  
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The performance security provided under division (C) of this section for the entire area to be mined under one permit issued under this chapter shall not be less than ten thousand dollars. 9887  
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The performance security shall cover areas of land affected by mining within or immediately adjacent to the permitted area, so long as the total number of acres does not exceed the number of acres for which the performance security is provided. However, the authority for the performance security to cover areas of land immediately adjacent to the permitted area does not authorize a permittee to mine areas outside an approved permit area. As succeeding increments of coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the chief additional performance security to cover the increments in accordance with this section. If a permittee intends to mine areas outside the approved permit area, the permittee shall provide additional performance security in accordance with this section to cover the areas to be mined. 9890  
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If an applicant or permittee ~~has is not held a permit issued under this chapter for any coal mining and reclamation operation for a period of five years or more~~ eligible to provide performance security in accordance with division (C)(2) of this section, the 9904  
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applicant or permittee shall provide performance security in 9908  
accordance with division (C)(1) of this section in the full amount 9909  
of the estimated cost of reclamation as determined by the chief 9910  
for a permitted coal preparation plant or coal refuse disposal 9911  
area that is not located within a permitted area of a mine. If an 9912  
applicant for a permit for a coal preparation plant or coal refuse 9913  
disposal area or a permittee of a permitted coal preparation plant 9914  
or coal refuse disposal area that is not located within a 9915  
permitted area of a mine has held a permit issued under this 9916  
chapter for any coal mining and reclamation operation for a period 9917  
of five years or more, the applicant or permittee may provide 9918  
performance security for the coal preparation plant or coal refuse 9919  
disposal area either in accordance with division (C)(1) of this 9920  
section in the full amount of the estimated cost of reclamation as 9921  
determined by the chief or in accordance with division (C)(2) of 9922  
this section in an amount of twenty-five hundred dollars per acre 9923  
of land with reliance on the reclamation forfeiture fund. If a 9924  
permittee has previously provided performance security under 9925  
division (C)(1) of this section for a coal preparation plant or 9926  
coal refuse disposal area that is not located within a permitted 9927  
area of a mine and elects to provide performance security in 9928  
accordance with division (C)(2) of this section, the permittee 9929  
shall submit written notice to the chief indicating that the 9930  
permittee elects to provide performance security in accordance 9931  
with division (C)(2) of this section. Upon receipt of such a 9932  
written notice, the chief shall release to the permittee the 9933  
amount of the performance security previously provided under 9934  
division (C)(1) of this section that exceeds the amount of 9935  
performance security that is required to be provided under 9936  
division (C)(2) of this section. 9937

(D) A permittee's liability under the performance security 9938  
shall be limited to the obligations established under the permit, 9939  
which include completion of the reclamation plan in order to make 9940

the land capable of supporting the postmining land use that was 9941  
approved in the permit. The period of liability under the 9942  
performance security shall be for the duration of the coal mining 9943  
and reclamation operation and for a period coincident with the 9944  
operator's responsibility for revegetation requirements under 9945  
section 1513.16 of the Revised Code. 9946

(E) The amount of the estimated cost of reclamation 9947  
determined under division (B) of this section and the amount of a 9948  
permittee's performance security provided in accordance with 9949  
division (C)(1) of this section shall be adjusted by the chief as 9950  
the land that is affected by mining increases or decreases or if 9951  
the cost of reclamation increases or decreases. If the performance 9952  
security was provided in accordance with division (C)(2) of this 9953  
section and the chief has issued a cessation order under division 9954  
(D)(2) of section 1513.02 of the Revised Code for failure to abate 9955  
a violation of the contemporaneous reclamation requirement under 9956  
division (A)(15) of section 1513.16 of the Revised Code, the chief 9957  
may require the permittee to increase the amount of performance 9958  
security from twenty-five hundred dollars per acre of land to five 9959  
thousand dollars per acre of land. 9960

The chief shall notify the permittee, each surety, and any 9961  
person who has a property interest in the performance security and 9962  
who has requested to be notified of any proposed adjustment to the 9963  
performance security. The permittee may request an informal 9964  
conference with the chief concerning the proposed adjustment, and 9965  
the chief shall provide such an informal conference. 9966

If the chief increases the amount of performance security 9967  
under this division, the permittee shall provide additional 9968  
performance security in an amount determined by the chief. If the 9969  
chief decreases the amount of performance security under this 9970  
division, the chief shall determine the amount of the reduction of 9971  
the performance security and send written notice of the amount of 9972

reduction to the permittee. The permittee may reduce the amount of 9973  
the performance security in the amount determined by the chief. 9974

(F) A permittee may request a reduction in the amount of the 9975  
performance security by submitting to the chief documentation 9976  
proving that the amount of the performance security provided by 9977  
the permittee exceeds the estimated cost of reclamation if the 9978  
reclamation would have to be performed by the division in the 9979  
event of forfeiture of the performance security. The chief shall 9980  
examine the documentation and determine whether the permittee's 9981  
performance security exceeds the estimated cost of reclamation. If 9982  
the chief determines that the performance security exceeds that 9983  
estimated cost, the chief shall determine the amount of the 9984  
reduction of the performance security and send written notice of 9985  
the amount to the permittee. The permittee may reduce the amount 9986  
of the performance security in the amount determined by the chief. 9987  
Adjustments in the amount of performance security under this 9988  
division shall not be considered release of performance security 9989  
and are not subject to section 1513.16 of the Revised Code. 9990

(G) If the performance security is a bond, it shall be 9991  
executed by the operator and a corporate surety licensed to do 9992  
business in this state. If the performance security is a cash 9993  
deposit or negotiable certificates of deposit of a bank or savings 9994  
and loan association, the bank or savings and loan association 9995  
shall be licensed and operating in this state. The cash deposit or 9996  
market value of the securities shall be equal to or greater than 9997  
the amount of the performance security required under this 9998  
section. The chief shall review any documents pertaining to the 9999  
performance security and approve or disapprove the documents. The 10000  
chief shall notify the applicant of the chief's determination. 10001

(H) If the performance security is a bond, the chief may 10002  
accept the bond of the applicant itself without separate surety 10003  
when the applicant demonstrates to the satisfaction of the chief 10004

the existence of a suitable agent to receive service of process 10005  
and a history of financial solvency and continuous operation 10006  
sufficient for authorization to self-insure or bond the amount. 10007

(I) Performance security provided under this section may be 10008  
held in trust, provided that the state is the primary beneficiary 10009  
of the trust and the custodian of the performance security held in 10010  
trust is a bank, trust company, or other financial institution 10011  
that is licensed and operating in this state. The chief shall 10012  
review the trust document and approve or disapprove the document. 10013  
The chief shall notify the applicant of the chief's determination. 10014

(J) If a surety, bank, savings and loan association, trust 10015  
company, or other financial institution that holds the performance 10016  
security required under this section becomes insolvent, the 10017  
permittee shall notify the chief of the insolvency, and the chief 10018  
shall order the permittee to submit a plan for replacement 10019  
performance security within thirty days after receipt of notice 10020  
from the chief. If the permittee provided performance security in 10021  
accordance with division (C)(1) of this section, the permittee 10022  
shall provide the replacement performance security within ninety 10023  
days after receipt of notice from the chief. If the permittee 10024  
provided performance security in accordance with division (C)(2) 10025  
of this section, the permittee shall provide the replacement 10026  
performance security within one year after receipt of notice from 10027  
the chief, and, for a period of one year after the permittee's 10028  
receipt of notice from the chief or until the permittee provides 10029  
the replacement performance security, whichever occurs first, 10030  
money in the reclamation forfeiture fund shall be the permittee's 10031  
replacement performance security in an amount not to exceed the 10032  
estimated cost of reclamation as determined by the chief. 10033

(K) If a permittee provided performance security in 10034  
accordance with division (C)(1) of this section, the permittee's 10035  
responsibility for repairing material damage and replacement of 10036

water supply resulting from subsidence shall be satisfied by 10037  
either of the following: 10038

(1) The purchase prior to mining of a noncancelable 10039  
premium-prepaid liability insurance policy in lieu of the 10040  
permittee's performance security for subsidence damage. The 10041  
insurance policy shall contain terms and conditions that 10042  
specifically provide coverage for repairing material damage and 10043  
replacement of water supply resulting from subsidence. 10044

(2) The provision of additional performance security in the 10045  
amount of the estimated cost to the division of mineral resources 10046  
management to repair material damage and replace water supplies 10047  
resulting from subsidence until the repair or replacement is 10048  
completed. However, if such repair or replacement is completed, or 10049  
compensation for structures that have been damaged by subsidence 10050  
is provided, by the permittee within ninety days of the occurrence 10051  
of the subsidence, additional performance security is not 10052  
required. In addition, the chief may extend the ninety-day period 10053  
for a period not to exceed one year if the chief determines that 10054  
the permittee has demonstrated in writing that subsidence is not 10055  
complete and that probable subsidence-related damage likely will 10056  
occur and, as a result, the completion of repairs of 10057  
subsidence-related material damage to lands or protected 10058  
structures or the replacement of water supply within ninety days 10059  
of the occurrence of the subsidence would be unreasonable. 10060

(L) If the performance security provided in accordance with 10061  
this section exceeds the estimated cost of reclamation, the chief 10062  
may authorize the amount of the performance security that exceeds 10063  
the estimated cost of reclamation together with any interest or 10064  
other earnings on the performance security to be paid to the 10065  
permittee. 10066

(M) A permittee that held a valid coal mining and reclamation 10067  
permit immediately prior to April 6, 2007, shall provide, not 10068

later than a date established by the chief, performance security 10069  
in accordance with division (C)(1) or (2) of this section, rather 10070  
than in accordance with the law as it existed prior to that date, 10071  
by filing it with the chief on a form that the chief prescribes 10072  
and furnishes. Accordingly, for purposes of this section, 10073  
"applicant" is deemed to include such a permittee. 10074

(N) As used in this section: 10075

(1) "Affiliate of the applicant" means an entity that has a 10076  
parent entity in common with the applicant. 10077

(2) "Owner and controller of the applicant" means a person 10078  
that has any relationship with the applicant that gives the person 10079  
authority to determine directly or indirectly the manner in which 10080  
the applicant conducts coal mining operations. 10081

**Sec. 1521.06.** (A) No dam may be constructed for the purpose 10082  
of storing, conserving, or retarding water, or for any other 10083  
purpose, nor shall any levee be constructed for the purpose of 10084  
diverting or retaining flood water, unless the person or 10085  
governmental agency desiring the construction has a construction 10086  
permit for the dam or levee issued by the chief of the division of 10087  
water resources. 10088

A construction permit is not required under this section for: 10089

(1) A dam that is or will be less than ten feet in height and 10090  
that has or will have a storage capacity of not more than fifty 10091  
acre-feet at the elevation of the top of the dam, as determined by 10092  
the chief. For the purposes of this section, the height of a dam 10093  
shall be measured from the natural stream bed or lowest ground 10094  
elevation at the downstream or outside limit of the dam to the 10095  
elevation of the top of the dam. 10096

(2) A dam, regardless of height, that has or will have a 10097  
storage capacity of not more than fifteen acre-feet at the 10098

elevation of the top of the dam, as determined by the chief; 10099

(3) A dam, regardless of storage capacity, that is or will be 10100  
six feet or less in height, as determined by the chief; 10101

(4) A dam or levee that belongs to a class exempted by the 10102  
chief; 10103

(5) The repair, maintenance, improvement, alteration, or 10104  
removal of a dam or levee that is subject to section 1521.062 of 10105  
the Revised Code, unless the construction constitutes an 10106  
enlargement or reconstruction of the structure as determined by 10107  
the chief; 10108

(6) A dam or impoundment constructed under Chapter 1513. of 10109  
the Revised Code. 10110

(B) Before a construction permit may be issued, three copies 10111  
of the plans and specifications, including a detailed cost 10112  
estimate, for the proposed construction, prepared by a registered 10113  
professional engineer, together with any filing fee specified by 10114  
rules adopted by the chief in accordance with division (I) of this 10115  
section and the bond or other security required by section 10116  
1521.061 of the Revised Code, shall be filed with the chief. The 10117  
detailed estimate of the cost shall include all costs associated 10118  
with the construction of the dam or levee, including supervision 10119  
and inspection of the construction by a registered professional 10120  
engineer. 10121

All fees collected pursuant to this section, ~~and all fines~~ 10122  
~~collected pursuant to section 1521.99 of the Revised Code,~~ shall 10123  
be deposited in the state treasury to the credit of the dam safety 10124  
fund, which is hereby created. Expenditures from the fund shall be 10125  
made by the chief for the purpose of administering this section 10126  
and sections 1521.061 and 1521.062 of the Revised Code. 10127

(C) The chief shall, within thirty days from the date of the 10128  
receipt of the application, fee, and bond or other security, issue 10129

or deny a construction permit for the construction or may issue a 10130  
construction permit conditioned upon the making of such changes in 10131  
the plans and specifications for the construction as the chief 10132  
considers advisable if the chief determines that the construction 10133  
of the proposed dam or levee, in accordance with the plans and 10134  
specifications filed, would endanger life, health, or property. 10135

(D) The chief may deny a construction permit after finding 10136  
that a dam or levee built in accordance with the plans and 10137  
specifications would endanger life, health, or property, because 10138  
of improper or inadequate design, or for such other reasons as the 10139  
chief may determine. 10140

In the event the chief denies a permit for the construction 10141  
of the dam or levee, or issues a permit conditioned upon a making 10142  
of changes in the plans or specifications for the construction, 10143  
the chief shall state the reasons therefor and so notify, in 10144  
writing, the person or governmental agency making the application 10145  
for a permit. If the permit is denied, the chief shall return the 10146  
bond or other security to the person or governmental agency making 10147  
application for the permit. 10148

The decision of the chief conditioning or denying a 10149  
construction permit is subject to appeal as provided in Chapter 10150  
119. of the Revised Code. A dam or levee built substantially at 10151  
variance from the plans and specifications upon which a 10152  
construction permit was issued is in violation of this section. 10153  
The chief may at any time inspect any dam or levee, or site upon 10154  
which any dam or levee is to be constructed, in order to determine 10155  
whether it complies with this section. 10156

(E) A registered professional engineer shall inspect the 10157  
construction for which the permit was issued during all phases of 10158  
construction and shall furnish to the chief such regular reports 10159  
of the engineer's inspections as the chief may require. When the 10160  
chief finds that construction has been fully completed in 10161

accordance with the terms of the permit and the plans and 10162  
specifications approved by the chief, the chief shall approve the 10163  
construction. When one year has elapsed after approval of the 10164  
completed construction, and the chief finds that within this 10165  
period no fact has become apparent to indicate that the 10166  
construction was not performed in accordance with the terms of the 10167  
permit and the plans and specifications approved by the chief, or 10168  
that the construction as performed would endanger life, health, or 10169  
property, the chief shall release the bond or other security. No 10170  
bond or other security shall be released until one year after 10171  
final approval by the chief, unless the dam or levee has been 10172  
modified so that it will not retain water and has been approved as 10173  
nonhazardous after determination by the chief that the dam or 10174  
levee as modified will not endanger life, health, or property. 10175

(F) When inspections required by this section are not being 10176  
performed, the chief shall notify the person or governmental 10177  
agency to which the permit has been issued that inspections are 10178  
not being performed by the registered professional engineer and 10179  
that the chief will inspect the remainder of the construction. 10180  
Thereafter, the chief shall inspect the construction and the cost 10181  
of inspection shall be charged against the owner. Failure of the 10182  
registered professional engineer to submit required inspection 10183  
reports shall be deemed notice that the engineer's inspections are 10184  
not being performed. 10185

(G) The chief may order construction to cease on any dam or 10186  
levee that is being built in violation of this section, and may 10187  
prohibit the retention of water behind any dam or levee that has 10188  
been built in violation of this section. 10189

(H) The chief may adopt rules in accordance with Chapter 119. 10190  
of the Revised Code, for the design and construction of dams and 10191  
levees for which a construction permit is required by this section 10192  
or for which periodic inspection is required by section 1521.062 10193

of the Revised Code, for deposit and forfeiture of bonds and other securities required by section 1521.061 of the Revised Code, for the periodic inspection, operation, repair, improvement, alteration, or removal of all dams and levees, as specified in section 1521.062 of the Revised Code, and for establishing classes of dams or levees that are exempt from the requirements of this section and section 1521.062 of the Revised Code as being of a size, purpose, or situation that does not present a substantial hazard to life, health, or property. The chief may, by rule, limit the period during which a construction permit issued under this section is valid. The rules may allow for the extension of the period during which a permit is valid upon written request, provided that the written request includes a revised construction cost estimate, and may require the payment of an additional filing fee for the requested extension. If a construction permit expires without an extension before construction is completed, the person or agency shall apply for a new permit, and shall not continue construction until the new permit is issued.

(I) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a filing fee schedule for purposes of division (B) of this section.

**Sec. 1521.061.** (A)(1) Except as otherwise provided in this section, the chief of the division of water resources shall not issue a construction permit ~~shall not be issued~~ under section 1521.06 of the Revised Code unless the person or governmental agency applying for the permit executes and files a surety bond conditioned on completion of the dam or levee in accordance with the terms of the permit and the plans and specifications approved by the chief ~~of the division of water resources, in an amount equal to fifty per cent of the estimated cost of the project.~~ Except as provided in division (A)(2) of this section, the surety bond shall equal:

(a) \$50,000 for the first \$500,000 of the estimated cost of 10226  
the project; plus 10227

(b) Twenty-five per cent of the estimated cost for the next 10228  
\$4,500,000 of the estimated cost of the project; plus 10229

(c) Ten per cent of the estimated cost that exceeds 10230  
\$5,000,000. 10231

(2) The chief may reduce the amount of the required surety 10232  
bond to the amount equal to the cost estimate of construction 10233  
activities necessary to render the dam nonhazardous if the cost 10234  
estimate is provided by the applicant and approved by the chief. 10235

(B) If a permittee requests an extension of the time period 10236  
during which a construction permit is valid in accordance with 10237  
rules adopted under section 1521.06 of the Revised Code, the chief 10238  
shall determine whether the revised construction cost estimate 10239  
provided with the request exceeds the original construction cost 10240  
estimate that was filed with the chief by more than twenty-five 10241  
per cent. If the revised construction cost estimate exceeds the 10242  
original construction cost estimate by more than twenty-five per 10243  
cent, the chief may require an additional surety bond to be filed 10244  
~~so that the total amount of the surety bonds equals at least fifty~~ 10245  
~~per cent of~~ in an amount determined in accordance with division 10246  
(A) of this section based on the revised construction cost 10247  
estimate. 10248

(C) The chief shall not approve any bond until it is 10249  
personally signed and acknowledged by both principal and surety, 10250  
or as to either by the attorney in fact thereof, with a certified 10251  
copy of the power of attorney attached. The chief shall not 10252  
approve the bond unless there is attached a certificate of the 10253  
superintendent of insurance that the company is authorized to 10254  
transact a fidelity and surety business in this state. 10255

All bonds shall be given in a form prescribed by the chief 10256

and shall run to the state as obligee. 10257

(D)(1) The applicant may deposit, in lieu of a bond, cash in 10258  
an amount equal to the amount of the bond or United States 10259  
government securities or negotiable certificates of deposit issued 10260  
by any bank organized or transacting business in this state having 10261  
a par value equal to or greater than the amount of the bond. Such 10262  
cash or securities shall be deposited upon the same terms as 10263  
bonds. If one or more certificates of deposit are deposited in 10264  
lieu of a bond, the chief shall require the bank that issued any 10265  
such certificate to pledge securities of the aggregate market 10266  
value equal to the amount of the certificate that is in excess of 10267  
the amount insured by the federal deposit insurance corporation. 10268  
The securities to be pledged shall be those designated as eligible 10269  
under section 135.18 of the Revised Code. The securities shall be 10270  
security for the repayment of the certificate of deposit. 10271

(2) Immediately upon a deposit of cash, securities, or 10272  
certificates of deposit, the chief shall deliver them to the 10273  
treasurer of state, who shall hold them in trust for the purposes 10274  
for which they have been deposited. The treasurer of state is 10275  
responsible for the safekeeping of such deposits. An applicant 10276  
making a deposit of cash, securities, or certificates of deposit 10277  
may withdraw and receive from the treasurer of state, on the 10278  
written order of the chief, all or any portion of the cash, 10279  
securities, or certificates of deposit, upon depositing with the 10280  
treasurer of state cash, other United States government 10281  
securities, or negotiable certificates of deposit issued by any 10282  
bank organized or transacting business in this state equal in par 10283  
value to the par value of the cash, securities, or certificates of 10284  
deposit withdrawn. An applicant may demand and receive from the 10285  
treasurer of state all interest or other income from any such 10286  
securities or certificates as it becomes due. If securities so 10287  
deposited with and in the possession of the treasurer of state 10288

mature or are called for payment by the issuer thereof, the 10289  
treasurer of state, at the request of the applicant who deposited 10290  
them, shall convert the proceeds of the redemption or payment of 10291  
the securities into such other United States government 10292  
securities, negotiable certificates of deposit issued by any bank 10293  
organized or transacting business in this state, or cash as the 10294  
applicant designates. 10295

(E)(1) When the chief finds that a person or governmental 10296  
agency has failed to comply with the conditions of the person's or 10297  
agency's bond, the chief shall make a finding of that fact and 10298  
declare the bond, cash, securities, or certificates of deposit 10299  
forfeited in the amount set by rule of the chief. The chief shall 10300  
thereupon certify the total forfeiture to the attorney general, 10301  
who shall proceed to collect that amount. 10302

(2) In lieu of total forfeiture, the surety, at its option, 10303  
may cause the dam or levee to be completed as required by section 10304  
1521.06 of the Revised Code and rules of the chief, or otherwise 10305  
rendered nonhazardous, or pay to the treasurer of state the cost 10306  
thereof. 10307

(F)(1) All moneys collected on account of forfeitures of 10308  
bonds, cash, securities, and certificates of deposit under this 10309  
section shall be credited to the dam safety fund created in 10310  
section 1521.06 of the Revised Code. The chief shall make 10311  
expenditures from the fund to complete dams and levees for which 10312  
bonds have been forfeited or to otherwise render them 10313  
nonhazardous. 10314

(2) Expenditures from the fund for those purposes shall be 10315  
made pursuant to contracts entered into by the chief with persons 10316  
who agree to furnish all of the materials, equipment, work, and 10317  
labor as specified and provided in the contract. 10318

(G) A surety bond shall not be required for a permit for a 10319

dam or levee that is to be designed and constructed by an agency 10320  
of the United States government, if the agency files with the 10321  
chief written assurance of the agency's financial responsibility 10322  
for the structure ~~during the one-year period~~ for one year 10323  
following the chief's approval of the completed construction 10324  
provided for under division (E) of section 1521.06 of the Revised 10325  
Code. 10326

**Sec. 1521.40.** (A) No person shall violate any provision of 10327  
this chapter, any rule or order adopted or issued under it, or any 10328  
term or condition of a permit issued under it. 10329

(B) The attorney general, upon written request of the chief 10330  
of the division of water resources, shall bring an action for an 10331  
injunction or other appropriate legal or equitable action against 10332  
any person who has violated, is violating, or is threatening to 10333  
violate any provision of this chapter, any rule or order adopted 10334  
or issued under it, or any term or condition of a permit issued 10335  
under it. 10336

(C) A person who violates any provision of this chapter, any 10337  
rule or order adopted or issued under it, or any term or condition 10338  
of a permit issued under it is liable to the chief for any costs 10339  
incurred by the division of water resources in investigating, 10340  
mitigating, minimizing, removing, or abating the violation and 10341  
conditions caused by it. The chief also may assess a civil penalty 10342  
of not more than five thousand dollars per day for each day a 10343  
violation occurs of any provision of this chapter, any rule or 10344  
order adopted or issued under it, or any term or condition of a 10345  
permit issued under it. 10346

(D) Upon the request of the chief, the attorney general shall 10347  
bring a civil action against the responsible person to recover 10348  
those costs and civil penalties in the court of common pleas of 10349  
Franklin county. ~~Moneys~~ Money recovered under this division for 10350

violations of sections 1521.06 to 1521.063 of the Revised Code, 10351  
any rule or order adopted or issued under those sections, or any 10352  
term or condition of a permit issued under those sections shall be 10353  
deposited in the state treasury to the credit of the dam safety 10354  
fund created in section 1521.06 of the Revised Code. Money 10355  
recovered under this division for violations of sections 1521.16 10356  
and 1521.22 to 1521.35 of the Revised Code, any rule or order 10357  
adopted or issued under those sections, or any term or condition 10358  
of a permit issued under those sections shall be deposited in the 10359  
state treasury to the credit of the water management fund created 10360  
in section 1521.22 of the Revised Code. 10361

**Sec. 1521.99.** (A) Whoever violates division (E)(1) of section 10362  
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 10363  
is guilty of a misdemeanor of the fourth degree. All fines 10364  
collected pursuant to this division shall be deposited in the 10365  
state treasury to the credit of the water management fund created 10366  
in section 1521.22 of the Revised Code. 10367

(B) Whoever violates section 1521.06 or 1521.062 of the 10368  
Revised Code shall be fined not less than one hundred dollars nor 10369  
more than one thousand dollars for each offense. Each day of 10370  
violation constitutes a separate offense. All fines collected 10371  
pursuant to this division shall be deposited in the state treasury 10372  
to the credit of the dam safety fund created in section 1521.06 of 10373  
the Revised Code. 10374

(C) Whoever violates section 1521.22 of the Revised Code or 10375  
the terms or conditions of a permit issued under that section 10376  
shall be fined not more than ten thousand dollars for each day of 10377  
violation. All fines collected pursuant to this division shall be 10378  
deposited in the state treasury to the credit of the water 10379  
management fund created in section 1521.22 of the Revised Code. 10380

(D) Whoever violates section 1521.23 of the Revised Code or 10381

the terms or conditions of a permit issued under section 1521.29 10382  
of the Revised Code is guilty of a misdemeanor of the fourth 10383  
degree. All fines collected pursuant to this division shall be 10384  
deposited in the state treasury to the credit of the water 10385  
management fund created in section 1521.22 of the Revised Code. 10386

**Sec. 1531.01.** As used in this chapter and Chapter 1533. of 10387  
the Revised Code: 10388

(A) "Person" means a person as defined in section 1.59 of the 10389  
Revised Code or a company; an employee, agent, or officer of such 10390  
a person or company; a combination of individuals; the state; a 10391  
political subdivision of the state; an interstate body created by 10392  
a compact; or the federal government or a department, agency, or 10393  
instrumentality of it. 10394

(B) "Resident" means any individual who has resided in this 10395  
state for not less than six months preceding the date of making 10396  
application for a license or permit. 10397

(C) "Nonresident" means any individual who does not qualify 10398  
as a resident. 10399

(D) "Division rule" or "rule" means any rule adopted by the 10400  
chief of the division of wildlife under section 1531.10 of the 10401  
Revised Code unless the context indicates otherwise. 10402

(E) "Closed season" means that period of time during which 10403  
the taking of wild animals protected by this chapter and Chapter 10404  
1533. of the Revised Code is prohibited. 10405

(F) "Open season" means that period of time during which the 10406  
taking of wild animals protected by this chapter and Chapter 1533. 10407  
of the Revised Code is permitted. 10408

(G) "Take or taking" includes pursuing, shooting, hunting, 10409  
killing, trapping, angling, fishing with a trotline, or netting 10410  
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 10411

wild bird, or wild quadruped, and any lesser act, such as 10412  
wounding, or placing, setting, drawing, or using any other device 10413  
for killing or capturing any wild animal, whether it results in 10414  
killing or capturing the animal or not. "Take or taking" includes 10415  
every attempt to kill or capture and every act of assistance to 10416  
any other person in killing or capturing or attempting to kill or 10417  
capture a wild animal. 10418

(H) "Possession" means both actual and constructive 10419  
possession and any control of things referred to. 10420

(I) "Bag limit" means the number, measurement, or weight of 10421  
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 10422  
birds, and wild quadrupeds permitted to be taken. 10423

(J) "Transport and transportation" means carrying or moving 10424  
or causing to be carried or moved. 10425

(K) "Sell and sale" means barter, exchange, or offer or 10426  
expose for sale. 10427

(L) "Whole to include part" means that every provision 10428  
relating to any wild animal protected by this chapter and Chapter 10429  
1533. of the Revised Code applies to any part of the wild animal 10430  
with the same effect as it applies to the whole. 10431

(M) "Angling" means fishing with not more than two hand 10432  
lines, not more than two units of rod and line, or a combination 10433  
of not more than one hand line and one rod and line, either in 10434  
hand or under control at any time while fishing. The hand line or 10435  
rod and line shall have attached to it not more than three baited 10436  
hooks, not more than three artificial fly rod lures, or one 10437  
artificial bait casting lure equipped with not more than three 10438  
sets of three hooks each. 10439

(N) "Trotline" means a device for catching fish that consists 10440  
of a line having suspended from it, at frequent intervals, 10441  
vertical lines with hooks attached. 10442

(O) "Fish" means a cold-blooded vertebrate having fins.	10443
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	10444 10445
(Q) "Wild birds" includes game birds and nongame birds.	10446
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	10447 10448
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	10449 10450 10451 10452 10453 10454
(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	10455 10456
(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.	10457 10458
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, elk, and black bears.	10459 10460 10461 10462
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	10463 10464 10465
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	10466 10467 10468
(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds	10469 10470 10471 10472

whether or not the acts result in killing or wounding. "Hunting" 10473  
includes every attempt to kill or wound and every act of 10474  
assistance to any other person in killing or wounding or 10475  
attempting to kill or wound wild birds or wild quadrupeds. 10476

(Z) "Trapping" means securing or attempting to secure 10477  
possession of a wild bird or wild quadruped by means of setting, 10478  
placing, drawing, or using any device that is designed to close 10479  
upon, hold fast, confine, or otherwise capture a wild bird or wild 10480  
quadruped whether or not the means results in capture. "Trapping" 10481  
includes every act of assistance to any other person in capturing 10482  
wild birds or wild quadrupeds by means of the device whether or 10483  
not the means results in capture. 10484

(AA) "Muskrat spear" means any device used in spearing 10485  
muskrats. 10486

(BB) "Channels and passages" means those narrow bodies of 10487  
water lying between islands or between an island and the mainland 10488  
in Lake Erie. 10489

(CC) "Island" means a rock or land elevation above the waters 10490  
of Lake Erie having an area of five or more acres above water. 10491

(DD) "Reef" means an elevation of rock, either broken or in 10492  
place, or gravel shown by the latest United States chart to be 10493  
above the common level of the surrounding bottom of the lake, 10494  
other than the rock bottom, or in place forming the base or 10495  
foundation rock of an island or mainland and sloping from the 10496  
shore of it. "Reef" also means all elevations shown by that chart 10497  
to be above the common level of the sloping base or foundation 10498  
rock of an island or mainland, whether running from the shore of 10499  
an island or parallel with the contour of the shore of an island 10500  
or in any other way and whether formed by rock, broken or in 10501  
place, or from gravel. 10502

(EE) "Fur farm" means any area used exclusively for raising 10503

fur-bearing animals or in addition thereto used for hunting game, 10504  
the boundaries of which are plainly marked as such. 10505

(FF) "Waters" includes any lake, pond, reservoir, stream, 10506  
channel, lagoon, or other body of water, or any part thereof, 10507  
whether natural or artificial. 10508

(GG) "Crib" or "car" refers to that particular compartment of 10509  
the net from which the fish are taken when the net is lifted. 10510

(HH) "Commercial fish" means those species of fish permitted 10511  
to be taken, possessed, bought, or sold unless otherwise 10512  
restricted by the Revised Code or division rule and are alewife 10513  
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 10514  
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 10515  
smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus* 10516  
*cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead 10517  
(*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel 10518  
catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis* 10519  
*olivaris*), whitefish (*Coregonus sp.*), cisco (*Coregonus sp.*), 10520  
freshwater drum or sheepshead (*Aplodinotus grunniens*), gar 10521  
(*Lepisosteus sp.*), gizzard shad (*Dorosoma cepedianum*), goldfish 10522  
(*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye 10523  
(*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt 10524  
(*Allosmerus elongatus*, *Hypomesus sp.*, *Osmerus sp.*, *Spirinchus* 10525  
*sp.*), sturgeon (*Acipenser sp.*, *Scaphirhynchus sp.*), sucker other 10526  
than buffalo and quillback (*Carpiodes sp.*, *Catostomus sp.*, 10527  
*Hypentelium sp.*, *Minytrema sp.*, *Moxostoma sp.*), white bass (*Morone* 10528  
*chrysops*), white perch (*Roccus americanus*), and yellow perch 10529  
(*Perca flavescens*). When the common name of a fish is used in this 10530  
chapter or Chapter 1533. of the Revised Code, it refers to the 10531  
fish designated by the scientific name in this definition. 10532

(II) "Fishing" means taking or attempting to take fish by any 10533  
method, and all other acts such as placing, setting, drawing, or 10534  
using any device commonly used to take fish whether resulting in a 10535

taking or not. 10536

(JJ) "Fillet" means the pieces of flesh taken or cut from 10537  
both sides of a fish, joined to form one piece of flesh. 10538

(KK) "Part fillet" means a piece of flesh taken or cut from 10539  
one side of a fish. 10540

(LL) "Round" when used in describing fish means with head and 10541  
tail intact. 10542

(MM) "Migrate" means the transit or movement of fish to or 10543  
from one place to another as a result of natural forces or 10544  
instinct and includes, but is not limited to, movement of fish 10545  
induced or caused by changes in the water flow. 10546

(NN) "Spreader bar" means a brail or rigid bar placed across 10547  
the entire width of the back, at the top and bottom of the cars in 10548  
all trap, crib, and fyke nets for the purpose of keeping the 10549  
meshes hanging squarely while the nets are fishing. 10550

(OO) "Fishing guide" means any person who, for consideration 10551  
or hire, operates a boat, rents, leases, or otherwise furnishes 10552  
angling devices, ice fishing shanties or shelters of any kind, or 10553  
other fishing equipment, and accompanies, guides, directs, or 10554  
assists any other person in order for the other person to engage 10555  
in fishing. 10556

(PP) "Net" means fishing devices with meshes composed of 10557  
twine or synthetic material and includes, but is not limited to, 10558  
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 10559  
seines, except minnow seines and minnow dip nets. 10560

(QQ) "Commercial fishing gear" means seines, trap nets, fyke 10561  
nets, dip nets, carp aprons, trotlines, other similar gear, and 10562  
any boat used in conjunction with that gear, but does not include 10563  
gill nets. 10564

(RR) "Native wildlife" means any species of the animal 10565

kingdom indigenous to this state. 10566

(SS) "Gill net" means a single section of fabric or netting 10567  
seamed to a float line at the top and a lead line at the bottom, 10568  
which is designed to entangle fish in the net openings as they 10569  
swim into it. 10570

(TT) "Tag fishing tournament" means a contest in which a 10571  
participant pays a fee, or gives other valuable consideration, for 10572  
a chance to win a prize by virtue of catching a tagged or 10573  
otherwise specifically marked fish within a limited period of 10574  
time. 10575

(UU) "Tenant" means an individual who resides on land for 10576  
which the individual pays rent and whose annual income is 10577  
primarily derived from agricultural production conducted on that 10578  
land, as "agricultural production" is defined in section 929.01 of 10579  
the Revised Code. 10580

(VV) "Nonnative wildlife" means any wild animal not 10581  
indigenous to this state, but does not include domestic deer. 10582

(WW) "Reptiles" includes common musk turtle (*sternotherus* 10583  
*odoratus*), common snapping turtle (*Chelydra serpentina* 10584  
*serpentina*), spotted turtle (*Clemmys guttata*), eastern box turtle 10585  
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 10586  
*blandingii*), common map turtle (*Graptemys geographica*), ouachita 10587  
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 10588  
painted turtle (*Chrysemys picta marginata*), red-eared slider 10589  
(*Trachemys scripta elegans*), eastern spiny softshell turtle 10590  
(*Apalone spinifera spinifera*), midland smooth softshell turtle 10591  
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 10592  
*undulatus hyacinthinus*), ground skink (*Scincella lateralis*), 10593  
five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces* 10594  
*laticeps*), northern coal skink (*Eumeces anthracinus anthracinus*), 10595  
European wall lizard (*Podarcis muralis*), queen snake (*Regina* 10596

septemvittata), Kirtland's snake ( <i>Clonophis kirtlandii</i> ), northern	10597
water snake ( <i>Nerodia sipedon sipedon</i> ), Lake Erie watersnake	10598
( <i>Nerodia sipedon insularum</i> ), copperbelly water snake ( <i>Nerodia</i>	10599
<i>erythrogaster neglecta</i> ), northern brown snake ( <i>Storeria dekayi</i>	10600
<i>dekayi</i> ), midland brown snake ( <i>Storeria dekayi wrightorum</i> ),	10601
northern redbelly snake ( <i>Storeria occipitomaculata</i>	10602
<i>occipitomaculata</i> ), eastern garter snake ( <i>Thamnophis sirtalis</i>	10603
<i>sirtalis</i> ), eastern plains garter snake ( <i>Thamnophis radix radix</i> ),	10604
Butler's garter snake ( <i>Thamnophis butleri</i> ), shorthead garter snake	10605
( <i>Thamnophis brachystoma</i> ), eastern ribbon snake ( <i>Thamnophis</i>	10606
<i>sauritus sauritus</i> ), northern ribbon snake ( <i>Thamnophis sauritus</i>	10607
<i>septentrionalis</i> ), eastern hognose snake ( <i>Heterodon platirhinos</i> ),	10608
eastern smooth earth snake ( <i>Virginia valeriae valeriae</i> ), northern	10609
ringneck snake ( <i>Diadophis punctatus edwardsii</i> ), midwest worm snake	10610
( <i>Carphophis amoenus helenae</i> ), eastern worm snake ( <i>Carphophis</i>	10611
<i>amoenus amoenus</i> ), black racer ( <i>Coluber constrictor constrictor</i> ),	10612
blue racer ( <i>Coluber constrictor foxii</i> ), rough green snake	10613
( <i>opheodrys aestivus</i> ), smooth green snake ( <i>opheodrys vernalis</i>	10614
<i>vernalis</i> ), black rat snake ( <i>Elaphe obsoleta obsoleta</i> ), eastern fox	10615
snake ( <i>Elaphe vulpina gloydi</i> ), black kingsnake ( <i>Lampropeltis</i>	10616
<i>getula nigra</i> ), eastern milk snake ( <i>Lampropeltis triangulum</i>	10617
<i>triangulum</i> ), northern copperhead ( <i>Agkistrodon contortrix mokasen</i> ),	10618
eastern massasauga ( <i>Sistrurus catenatus catenatus</i> ), and timber	10619
rattlesnake ( <i>Crotalus horridus horridus</i> ).	10620
(XX) "Amphibians" includes eastern hellbender ( <i>Cryptobranchus</i>	10621
<i>alleganiensis alleganiensis</i> ), mudpuppy ( <i>Necturus maculosus</i>	10622
<i>maculosus</i> ), red-spotted newt ( <i>Notophthalmus viridescens</i>	10623
<i>viridescens</i> ), Jefferson salamander ( <i>Ambystoma jeffersonianum</i> ),	10624
spotted salamander ( <i>Ambystoma maculatum</i> ), blue-spotted salamander	10625
( <i>Ambystoma laterale</i> ), smallmouth salamander ( <i>Ambystoma texanum</i> ),	10626
streamside salamander ( <i>Ambystoma barbouri</i> ), marbled salamander	10627
( <i>Ambystoma opacum</i> ), eastern tiger salamander ( <i>Ambystoma tigrinum</i>	10628
<i>tigrinum</i> ), northern dusky salamander ( <i>Desmognathus fuscus fuscus</i> ),	10629

mountain dusky salamander ( <i>Desmognathus ochrophaeus</i> ), redback	10630
salamander ( <i>Plethodon cinereus</i> ), ravine salamander ( <i>Plethodon</i>	10631
<i>richmondi</i> ), northern slimy salamander ( <i>Plethodon glutinosus</i> ),	10632
Wehrle's salamander ( <i>Plethodon wehrlei</i> ), four-toed salamander	10633
( <i>Hemidactylium scutatum</i> ), Kentucky spring salamander ( <i>Gyrinophilus</i>	10634
<i>porphyriticus duryi</i> ), northern spring salamander ( <i>Gyrinophilus</i>	10635
<i>porphyriticus porphyriticus</i> ), mud salamander ( <i>Pseudotriton</i>	10636
<i>montanus</i> ), northern red salamander ( <i>Pseudotriton ruber ruber</i> ),	10637
green salamander ( <i>Aneides aeneus</i> ), northern two-lined salamander	10638
( <i>Eurycea bislineata</i> ), longtail salamander ( <i>Eurycea longicauda</i>	10639
<i>longicauda</i> ), cave salamander ( <i>Eurycea lucifuga</i> ), southern	10640
two-lined salamander ( <i>Eurycea cirrigera</i> ), Fowler's toad ( <i>Bufo</i>	10641
<i>woodhousii fowleri</i> ), American toad ( <i>Bufo americanus</i> ), eastern	10642
spadefoot ( <i>Scaphiopus holbrookii</i> ), Blanchard's cricket frog ( <i>Acris</i>	10643
<i>crepitans blanchardi</i> ), northern spring peeper ( <i>Pseudacris crucifer</i>	10644
<i>crucifer</i> ), gray treefrog ( <i>Hyla versicolor</i> ), Cope's gray treefrog	10645
( <i>Hyla chrysoscelis</i> ), western chorus frog ( <i>Pseudacris triseriata</i>	10646
<i>triseriata</i> ), mountain chorus frog ( <i>Pseudacris brachyphona</i> ),	10647
bullfrog ( <i>Rana catesbeiana</i> ), green frog ( <i>Rana clamitans melanota</i> ),	10648
northern leopard frog ( <i>Rana pipiens</i> ), pickerel frog ( <i>Rana</i>	10649
<i>palustris</i> ), southern leopard frog ( <i>Rana utricularia</i> ), and wood	10650
frog ( <i>Rana sylvatica</i> ).	10651
(YY) "Deer" means white-tailed deer ( <i>Odocoileus</i>	10652
<i>virginianus</i> ).	10653
(ZZ) "Domestic deer" means nonnative deer that have been	10654
legally acquired or their offspring and that are held in private	10655
ownership for primarily agricultural purposes.	10656
(AAA) "Migratory game bird" includes waterfowl ( <i>Anatidae</i> );	10657
doves ( <i>Columbidae</i> ); cranes ( <i>Gruidae</i> ); cormorants	10658
( <i>Phalacrocoracidae</i> ); rails, coots, and gallinules ( <i>Rallidae</i> ); and	10659
woodcock and snipe ( <i>Scolopacidae</i> ).	10660
(BBB) "Accompany" means to go along with another person while	10661

staying within a distance from the person that enables 10662  
uninterrupted, unaided visual and auditory communication. 10663

(CCC) "All-purpose vehicle" means any vehicle that is 10664  
designed primarily for cross-country travel on land, water, or 10665  
land and water and that is steered by wheels, caterpillar treads, 10666  
or a combination of wheels and caterpillar treads and includes 10667  
vehicles that operate on a cushion of air, vehicles commonly known 10668  
as all-terrain vehicles, all-season vehicles, mini-bikes, and 10669  
trail bikes. 10670

(DDD) "Wholly enclosed preserve" means an area of land that 10671  
is surrounded by a fence that is at least six feet in height, 10672  
unless otherwise specified in division rule, and is constructed of 10673  
a woven wire mesh, or another enclosure that the division of 10674  
wildlife may approve, where game birds, game quadrupeds, reptiles, 10675  
amphibians, or fur-bearing animals are raised and may be sold 10676  
under the authority of a commercial propagating license or captive 10677  
white-tailed deer propagation license obtained under section 10678  
1533.71 of the Revised Code. 10679

(EEE) "Commercial bird shooting preserve" means an area of 10680  
land where game birds are released and hunted by shooting as 10681  
authorized by a commercial bird shooting preserve license obtained 10682  
under section 1533.72 of the Revised Code. 10683

(FFF) "Wild animal hunting preserve" means an area of land 10684  
where game, captive white-tailed deer, and nonnative wildlife, 10685  
other than game birds, are released and hunted as authorized by a 10686  
wild animal hunting preserve license obtained under section 10687  
1533.721 of the Revised Code. 10688

(GGG) "Captive white-tailed deer" means legally acquired deer 10689  
that are held in private ownership at a facility licensed under 10690  
section 943.03 or 943.031 of the Revised Code and under section 10691  
1533.71 or 1533.721 of the Revised Code. 10692

~~(HHH) "Lake Erie sport fishing district" means the Ohio waters of Lake Erie and its embayments, including Maumee bay, Sandusky bay, East Harbor, Middle Harbor, West Harbor, and the entire length of all tributaries or to the first dam or designated landmark as follows:~~

~~Vermilion river — state route 2 bridge~~ 10698

~~Black river — state route 611 bridge~~ 10699

~~Rocky river — Detroit road bridge~~ 10700

~~Cuyahoga river — Harvard road bridge~~ 10701

~~Euclid creek — state route 283 bridge~~ 10702

~~Chagrin river — state route 283 bridge~~ 10703

~~Arcola creek — United States route 20 bridge~~ 10704

~~Wheeler creek — United States route 20 bridge~~ 10705

~~Cowles creek — United States route 20 bridge~~ 10706

~~Indian creek — United States route 20 bridge~~ 10707

~~Grand river — state route 535 bridge~~ 10708

~~Conneaut creek — Main street bridge, downtown Conneaut~~ 10709

~~Ashtabula river — east 24th street bridge~~ 10710

**Sec. 1531.35.** The wildlife boater angler fund is hereby created in the state treasury. The fund shall consist of money credited to the fund pursuant to section 5735.051 of the Revised Code and other money contributed to the division of wildlife for the purposes of the fund. The fund shall be used for boating access construction, improvements, maintenance and repair of dams and impoundments, and acquisitions, including lands and facilities for boating access, and to pay for equipment and personnel costs involved with those activities, on waters on which the operation of gasoline-powered watercraft is permissible. ~~However, not more~~

~~than five hundred thousand dollars of the annual expenditures from~~ 10721  
~~the fund may be used to pay for the equipment and personnel costs.~~ 10722

**Sec. 1533.01.** As used in this chapter, "person," "resident," 10723  
"nonresident," "division rule," "rule," "closed season," "open 10724  
season," "take or taking," "possession," "bag limit," "transport 10725  
and transportation," "sell and sale," "whole to include part," 10726  
"angling," "trotline," "fish," "measurement of fish," "wild 10727  
birds," "game," "game birds," "nongame birds," "wild quadrupeds," 10728  
"game quadrupeds," "fur-bearing animals," "wild animals," 10729  
"hunting," "trapping," "muskrat spear," "channels and passages," 10730  
"island," "reef," "fur farm," "waters," "crib," "car," "commercial 10731  
fish," "fishing," "fillet," "part fillet," "round," "migrate," 10732  
"spreader bar," "fishing guide," "net," "commercial fishing gear," 10733  
"native wildlife," "gill net," "tag fishing tournament," "tenant," 10734  
"nonnative wildlife," "reptiles," "amphibians," "deer," "domestic 10735  
deer," "migratory game bird," "accompany," "all-purpose vehicle," 10736  
"wholly enclosed preserve," "commercial bird shooting preserve," 10737  
"wild animal hunting preserve," and "captive white-tailed deer," 10738  
~~and "Lake Erie sport fishing district"~~ have the same meanings as 10739  
in section 1531.01 of the Revised Code. 10740

**Sec. 1533.101.** Any person who has a current hunting or 10741  
fishing license, ~~a nonresident Lake Erie sport fishing district~~ 10742  
~~permit~~, a wetlands habitat stamp, a deer or wild turkey permit, or 10743  
a fur taker permit pursuant to this chapter and has lost or 10744  
destroyed the license, stamp, or permit, or had the license, 10745  
stamp, or permit stolen, may be reissued such license, stamp, or 10746  
permit. The person shall file with the clerk of the court of 10747  
common pleas an application in affidavit form or, if the chief of 10748  
the division of wildlife authorizes it, apply for a reissued 10749  
license, stamp, or permit to an authorized agent designated by the 10750  
chief, and pay a fee for each license, stamp, or permit of four 10751

dollars. The clerk or agent shall administer the oath to the applicant, issue a reissued license, stamp, or permit that shall allow the applicant to hunt, fish, or trap, as applicable, and send a copy of the reissued license, stamp, or permit to the division of wildlife.

All moneys received as fees for the issuance of reissued licenses, stamps, or permits shall be transmitted to the director of natural resources to be paid into the state treasury to the credit of the funds to which the fees for the original licenses, stamps, and permits were credited.

No person shall knowingly or willfully secure, attempt to secure, or use a reissued hunting or fishing license, wetlands habitat stamp, deer or wild turkey permit, or fur taker permit to which the person is not entitled. No person shall knowingly or willfully issue a reissued hunting or fishing license, wetlands habitat stamp, deer or wild turkey permit, or fur taker permit under this section to any person who is not entitled to receive and use such a reissued license, stamp, or permit.

**Sec. 1533.11.** (A)(1) Except as provided in this section or section 1533.731 of the Revised Code, no person shall hunt deer on lands of another without first obtaining an annual deer permit. Except as provided in this section, no person shall hunt wild turkeys on lands of another without first obtaining an annual wild turkey permit. A deer or wild turkey permit is valid during the hunting license year in which the permit is purchased. Except as provided in rules adopted under division (B) of ~~that~~ section 1533.12 of the Revised Code, each applicant for a deer or wild turkey permit shall pay an annual fee for each permit in accordance with the following schedule:

Deer permit - resident	\$30.00
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Deer permit - nonresident	\$74.00	10782
Youth deer permit - resident and nonresident	\$15.00	10783
Senior deer permit - resident	<del>\$11.50</del> <u>\$11.00</u>	10784
Wild turkey permit - resident	\$30.00	10785
Wild turkey permit - nonresident	\$37.00	10786
Youth wild turkey permit - resident and nonresident	\$15.00	10787
Senior wild turkey permit - resident	<del>\$11.50</del> <u>\$11.00</u>	10788
(2) As used in division (A)(1) of this section:		10789
(a) <del>"Resident" means an individual who has resided in this state for not less than six months preceding the date of making application for a permit.</del>		10790 10791 10792
(b) <del>"Nonresident" means any individual who does not qualify as a resident.</del>		10793 10794
(c) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit.		10795 10796
(d)(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit.		10797 10798
(3) The money received shall be paid into the state treasury to the credit of the wildlife fund, created in section 1531.17 of the Revised Code, exclusively for the use of the division of wildlife in the acquisition and development of land for deer or wild turkey management, for investigating deer or wild turkey problems, and for the stocking, management, and protection of deer or wild turkey.		10799 10800 10801 10802 10803 10804 10805
(4) Every person, while hunting deer or wild turkey on lands of another, shall carry the person's deer or wild turkey permit and exhibit it to any enforcement officer so requesting. Failure to so carry and exhibit such a permit constitutes an offense under this section.		10806 10807 10808 10809 10810
(5) The chief of the division of wildlife shall adopt any		10811

additional rules the chief considers necessary to carry out this 10812  
section and section 1533.10 of the Revised Code. 10813

(6) An owner who is a resident of this state or an owner who 10814  
is exempt from obtaining a hunting license under section 1533.10 10815  
of the Revised Code and the children of the owner of lands in this 10816  
state may hunt deer or wild turkey thereon without a deer or wild 10817  
turkey permit. If the owner of land in this state is a limited 10818  
liability company or a limited liability partnership that consists 10819  
of three or fewer individual members or partners, as applicable, 10820  
an individual member or partner who is a resident of this state 10821  
and the member's or partner's children of any age may hunt deer or 10822  
wild turkey on the land owned by the limited liability company or 10823  
limited liability partnership without a deer or wild turkey 10824  
permit. In addition, if the owner of land in this state is a trust 10825  
that has a total of three or fewer trustees and beneficiaries, an 10826  
individual who is a trustee or beneficiary and who is a resident 10827  
of this state and the individual's children of any age may hunt 10828  
deer or wild turkey on the land owned by the trust without a deer 10829  
or wild turkey permit. The tenant and children of the tenant may 10830  
hunt deer or wild turkey on lands where they reside without a deer 10831  
or wild turkey permit. 10832

(B) A deer or wild turkey permit is not transferable. No 10833  
person shall carry a deer or wild turkey permit issued in the name 10834  
of another person. 10835

(C) The wildlife refunds fund is hereby created in the state 10836  
treasury. The fund shall consist of money received from 10837  
application fees for deer permits that are not issued. Money in 10838  
the fund shall be used to make refunds of such application fees. 10839

(D) If the division establishes a system for the electronic 10840  
submission of information regarding deer or wild turkey that are 10841  
taken, the division shall allow the owner and the children of the 10842  
owner of lands in this state to use the owner's name or address 10843

for purposes of submitting that information electronically via 10844  
that system. 10845

**Sec. 1533.12.** (A)(1) Except as otherwise provided in division 10846  
(A)(2) of this section, every person on active duty in the armed 10847  
forces of the United States who is stationed in this state and who 10848  
wishes to engage in an activity for which a license, permit, or 10849  
stamp is required under this chapter first shall obtain the 10850  
requisite license, permit, or stamp. Such a person is eligible to 10851  
obtain a resident hunting or fishing license regardless of whether 10852  
the person qualifies as a resident of this state. To obtain a 10853  
resident hunting or fishing license, the person shall present a 10854  
card or other evidence identifying the person as being on active 10855  
duty in the armed forces of the United States and as being 10856  
stationed in this state. 10857

(2) Every person on active duty in the armed forces of the 10858  
United States, while on leave or furlough, may take or catch fish 10859  
of the kind lawfully permitted to be taken or caught within the 10860  
state, may hunt any wild bird or wild quadruped lawfully permitted 10861  
to be hunted within the state, and may trap fur-bearing animals 10862  
lawfully permitted to be trapped within the state, without 10863  
procuring a fishing license, a hunting license, a fur taker 10864  
permit, or a wetlands habitat stamp required by this chapter, 10865  
provided that the person shall carry on the person when fishing, 10866  
hunting, or trapping, a card or other evidence identifying the 10867  
person as being on active duty in the armed forces of the United 10868  
States, and provided that the person is not otherwise violating 10869  
any of the hunting, fishing, and trapping laws of this state. 10870

In order to hunt deer or wild turkey, any such person shall 10871  
obtain a deer or wild turkey permit, as applicable, under section 10872  
1533.11 of the Revised Code. Such a person is eligible to obtain a 10873  
deer or wild turkey permit at the resident rate, regardless of 10874

whether the person is a resident of this state. However, the 10875  
person need not obtain a hunting license in order to obtain such a 10876  
permit. 10877

(B) The chief of the division of wildlife shall provide by 10878  
rule adopted under section 1531.10 of the Revised Code all of the 10879  
following: 10880

(1) Every resident of this state ~~with a disability that has~~ 10881  
~~been determined by the veterans administration to be permanently~~ 10882  
~~and totally disabling, who receives a pension or compensation from~~ 10883  
~~the veterans administration, and~~ who received an honorable 10884  
discharge from the armed forces of the United States, and who is 10885  
entitled to benefits under the dependent's education assistance 10886  
program administered by the United States department of veterans 10887  
affairs, and every veteran to whom the registrar of motor vehicles 10888  
has issued a set of license plates under section 4503.41 of the 10889  
Revised Code, shall be issued a fishing license, hunting license, 10890  
fur taker permit, deer or wild turkey permit, or wetlands habitat 10891  
stamp, or any combination of those licenses, permits, and stamp, 10892  
free of charge on an annual, multi-year, or lifetime basis as 10893  
determined appropriate by the chief when application is made to 10894  
the chief in the manner prescribed by and on forms provided by the 10895  
chief. 10896

(2) Every resident of the state who was born on or before 10897  
December 31, 1937, shall be issued an annual fishing license, 10898  
hunting license, fur taker permit, deer or wild turkey permit, or 10899  
wetlands habitat stamp, or any combination of those licenses, 10900  
permits, and stamp, free of charge when application is made to the 10901  
chief in the manner prescribed by and on forms provided by the 10902  
chief. 10903

(3) Every resident of state or county institutions, 10904  
charitable institutions, and military homes in this state shall be 10905  
issued an annual fishing license free of charge when application 10906

is made to the chief in the manner prescribed by and on forms 10907  
provided by the chief. 10908

(4) Any mobility impaired or blind person, as defined in 10909  
section 955.011 of the Revised Code, who is a resident of this 10910  
state and who is unable to engage in fishing without the 10911  
assistance of another person shall be issued an annual fishing 10912  
license free of charge when application is made to the chief in 10913  
the manner prescribed by and on forms provided by the chief. The 10914  
person who is assisting the mobility impaired or blind person may 10915  
assist in taking or catching fish of the kind permitted to be 10916  
taken or caught without procuring the license required under 10917  
section 1533.32 of the Revised Code, provided that only one line 10918  
is used by both persons. 10919

(5) As used in division (B)(5) of this section, "prisoner of 10920  
war" means any regularly appointed, enrolled, enlisted, or 10921  
inducted member of the military forces of the United States who 10922  
was captured, separated, and incarcerated by an enemy of the 10923  
United States. 10924

Any person who has been a prisoner of war, was honorably 10925  
discharged from the military forces, and is a resident of this 10926  
state shall be issued a fishing license, hunting license, fur 10927  
taker permit, or wetlands habitat stamp, or any combination of 10928  
those licenses, permits, and stamp, free of charge on an annual, 10929  
multi-year, or lifetime basis as determined appropriate by the 10930  
chief when application is made to the chief in the manner 10931  
prescribed by and on forms provided by the chief. 10932

(C) The chief shall adopt rules pursuant to section 1531.08 10933  
of the Revised Code designating not more than two days, which need 10934  
not be consecutive, in each year as "free sport fishing days" on 10935  
which any resident may exercise the privileges accorded the holder 10936  
of a fishing license issued under section 1533.32 of the Revised 10937  
Code without procuring such a license, provided that the person is 10938

not otherwise violating any of the fishing laws of this state. 10939

**Sec. 1546.06.** The chief of the division of parks and 10940  
watercraft shall prepare and submit to the director of natural 10941  
resources maps and descriptions of the areas of lands and waters 10942  
which the chief intends to designate as state park purchase areas. 10943  
Such state park purchase areas may include lands and waters at the 10944  
time belonging to the state, together with lands and waters not 10945  
belonging to the state but which for reasons of protection, 10946  
utilization, and administration should be subject to purchase by 10947  
the state for park purposes. If such area is approved by the 10948  
director of natural resources, it shall be known as a state park 10949  
purchase area, and the map and description thereof, with the 10950  
approval of the director of natural resources indorsed thereon, 10951  
shall be filed in duplicate with the ~~auditor of state~~ director of 10952  
administrative services and the attorney general. 10953

All moneys appropriated for the purchase of lands and waters 10954  
by the state for park purposes, unless specifically appropriated 10955  
for the purchase of particular tracts or areas, may be expended 10956  
for the purchase of lands or waters within any legally established 10957  
state park purchase area. If, after the purchase of specifically 10958  
designated tracts or areas, moneys from such appropriations remain 10959  
unexpended, upon the request of the director of natural resources, 10960  
the controlling board shall release such funds, in whole or in 10961  
part, for the purchase of lands or waters within any state park 10962  
purchase area. 10963

**Sec. 1547.533.** No person shall operate a watercraft in this 10964  
state if it displays an identification number or registration 10965  
decal that is any of the following: 10966

(A) Fictitious; 10967

(B) A counterfeit or an unlawfully made copy of any 10968

identification number or registration decal; 10969

(C) An identification number or registration decal that 10970

belongs to another watercraft. 10971

**Sec. 1547.59.** The operator of a vessel involved in a 10972  
collision, accident, or other casualty, so far as the operator can 10973  
do so without serious danger to the operator's own vessel, crew, 10974  
and passengers, shall render to other persons affected by the 10975  
collision, accident, or other casualty such assistance as may be 10976  
practicable and as may be necessary in order to save them from or 10977  
minimize any danger caused by the collision, accident, or other 10978  
casualty. The operator also shall give the operator's name, 10979  
address, and identification of the operator's vessel in writing to 10980  
any person injured and to the owner of any property damaged in the 10981  
collision, accident, or other casualty. 10982

Any person who renders assistance at the scene of a 10983  
collision, accident, or other casualty involving a vessel is not 10984  
liable in a civil action for damages or injury to persons or 10985  
property resulting from any act or omission in rendering 10986  
assistance or in providing or arranging salvage, towage, medical 10987  
treatment, or other assistance, except that the person is liable 10988  
for willful or wanton misconduct in rendering assistance. Nothing 10989  
in this section precludes recovery from any tortfeasor causing a 10990  
collision, accident, or other casualty of damages caused or 10991  
aggravated by the rendering of assistance. 10992

In the case of collision, accident, or other casualty 10993  
involving a vessel, the operator thereof, if the collision, 10994  
accident, or other casualty results in loss of life, personal 10995  
injury requiring medical treatment beyond first aid, damage to 10996  
property in excess of ~~five hundred~~ one thousand dollars, or the 10997  
total loss of a vessel, shall file with the chief of the division 10998  
of parks and watercraft a full description of the collision, 10999

accident, or other casualty on a form prescribed by the chief. 11000

If the operator of the vessel involved in a collision, 11001  
accident, or other casualty is incapacitated, the investigating 11002  
law enforcement officer shall file the required form as prescribed 11003  
by the chief. 11004

**Sec. 1551.01.** As used in this chapter: 11005

(A) "Governmental agency" means the United States government 11006  
or any department, agency, or instrumentality thereof; any 11007  
department, agency, or instrumentality of a state government; any 11008  
municipal corporation, county, township, board of education, or 11009  
other political subdivision or any other body corporate and 11010  
politic of a state; or any agency, commission, or authority 11011  
established under an interstate compact or agreement. 11012

(B) "Energy resource development facility" means any energy 11013  
resource development, research, or conservation facility, 11014  
including pilot as well as demonstration facilities, and including 11015  
undivided or other interests therein, acquired or to be acquired, 11016  
or constructed or to be constructed under this chapter or Chapter 11017  
6121. or 6123. of the Revised Code, or acquired or to be acquired, 11018  
or constructed or to be constructed by a governmental agency or 11019  
person with all or a part of the cost thereof being paid from a 11020  
loan or grant under such chapters, including all buildings and 11021  
facilities that the director of development ~~services~~ determines 11022  
necessary for the operation of the facility, together with all 11023  
property, rights, easements, and interests that may be required 11024  
for the operation of the facility, which facilities may include: 11025

(1) Any building, testing facility, testing device, or 11026  
support facilities which would provide experimental, 11027  
demonstration, or testing capabilities or services not otherwise 11028  
available in this state and which are necessary for the 11029  
accomplishment of the purposes of this chapter; 11030

(2) Any method, process, structure, or equipment that is used 11031  
to store coal, oil, natural gas, fuel for nuclear reactors, or any 11032  
other form of energy; 11033

(3) Any method, process, structure, or equipment that is used 11034  
to recover or convert coal, oil, natural gas, steam, or other form 11035  
of energy from property located within the state for the purpose 11036  
of supplying energy for utilization; 11037

(4) Any method, process, structure, or equipment that is 11038  
designed to result in more efficient recovery, conversion, or 11039  
utilization of energy resources within the state, including any 11040  
scrap tire recovery facility for which a registration certificate 11041  
or permit has been issued under section 3734.78 of the Revised 11042  
Code; 11043

(5) Any improvement that is designed to improve the thermal 11044  
efficiency of a building or structure or reduce the fuel or power 11045  
needed to heat, cool, light, ventilate, or provide hot water in a 11046  
building or structure; 11047

(6) Any improvement designed to enable the substitution of 11048  
coal or alternate fuel, other than natural gas, for natural gas or 11049  
a petroleum fuel, or the conversion of coal to other fuels; 11050

(7) Any improvement designed to enable the combustion of high 11051  
sulfur coal in compliance with air or water pollution control or 11052  
solid waste disposal laws, including, but not limited to, any 11053  
facility for processing coal to remove sulfur before combustion of 11054  
the coal, for fluidized bed combustion, or for removal of the 11055  
sulfur before the products of combustion are emitted or 11056  
discharged. 11057

(C) "Cost" as applied to an energy resource development 11058  
facility means the cost of acquisition and construction, the cost 11059  
of acquisition of all land, rights-of-way, property rights, 11060  
easements, franchise rights, and interests required for such 11061

acquisition and construction, the cost of demolishing or removing 11062  
any buildings or structures on land so acquired, including the 11063  
cost of acquiring any lands to which such buildings or structures 11064  
may be moved, the cost of acquiring or constructing and equipping 11065  
a principal office and sub-offices of the department of 11066  
development, the cost of diverting highways, interchange of 11067  
highways, access roads to private property, including the cost of 11068  
land or easements for such access roads, the cost of public 11069  
utility and common carrier relocation or duplication, the cost of 11070  
all machinery, furnishings, and equipment, financing charges, 11071  
interest prior to and during construction and for no more than 11072  
eighteen months after completion of construction, engineering, 11073  
expenses of research and development with respect to the facility, 11074  
legal expenses, plans, specifications, surveys, studies, estimates 11075  
of cost and revenues, working capital, other expenses necessary or 11076  
incident to determining the feasibility or practicability of 11077  
acquiring or constructing such facility, administrative expense, 11078  
and such other expense as may be necessary or incident to the 11079  
acquisition or construction of the facility, the financing of such 11080  
acquisition or construction, including the amount authorized in 11081  
the resolution of the Ohio water development authority providing 11082  
for the issuance of energy resource development revenue bonds to 11083  
be paid into any special funds from the proceeds of such bonds, 11084  
and the financing of the placing of such facility in operation. 11085  
Any obligation, cost, or expense incurred after August 26, 1975, 11086  
by any governmental agency or person for surveys, borings, 11087  
preparation of plans and specifications, and other engineering 11088  
services, or any other cost described above, in connection with 11089  
the acquisition or construction of a facility may be regarded as a 11090  
part of the cost of such facility and may be reimbursed out of the 11091  
proceeds of energy resource development revenue bonds. 11092

(D) "Revenues" means all rentals and other charges received 11093  
by the Ohio water development authority for the use or services of 11094

any energy resource development facility, any contract, gift, or 11095  
grant received with respect to any energy resource development 11096  
facility, and moneys received with respect to the lease, sublease, 11097  
sale, including installment sale or conditional sale, or other 11098  
disposition of an energy resource development facility, moneys 11099  
received in repayment of and for interest on any loans made by the 11100  
authority to a person or governmental agency, whether from the 11101  
United States or any department, administration, or agency 11102  
thereof, or otherwise, proceeds of energy resource development 11103  
revenue bonds to the extent that the use thereof for payment of 11104  
principal of, premium, if any, or interest on the bonds is 11105  
authorized by the authority, proceeds from any insurance, 11106  
condemnation, or guaranty pertaining to a facility or property 11107  
mortgaged to secure bonds or pertaining to the financing of a 11108  
facility, and income and profit from the investment of the 11109  
proceeds of energy resource development revenue bonds or of any 11110  
revenues. 11111

(E) "Construction," unless the context indicates a different 11112  
meaning or intent, includes construction, reconstruction, 11113  
enlargement, improvement, or providing furnishings or equipment. 11114

(F) "Energy resource development revenue bonds," unless the 11115  
context indicates a different meaning or intent, includes energy 11116  
resource development revenue bonds, energy resource development 11117  
revenue notes, and energy resource development revenue refunding 11118  
bonds. 11119

(G) "Energy" means work or heat that is, or can be, produced 11120  
from any fuel or source whatsoever. 11121

(H) "Energy audit" means any process by which energy usage or 11122  
costs of heating, cooling, lighting, and climate control in a 11123  
building or structure are determined. 11124

(I) "Energy conservation" means preservation of energy 11125

resources by efficient utilization, and reduction of waste. 11126

(J) "Energy conservation measure" means any modification of a 11127  
building, structure, machine, appliance, vehicle, improvement, or 11128  
process in order to improve its efficiency of energy use or energy 11129  
costs. 11130

(K) "Fuel" means petroleum, crude oil, petroleum product, 11131  
coal, natural gas, synthetic natural or artificial gas, nuclear, 11132  
or other substance used primarily for its energy content. 11133

(L) "Net energy analysis" means the determination of the 11134  
amount of energy remaining after all energy outputs have been 11135  
subtracted from the energy inputs of a given system. 11136

~~(M) "Department of development" means the development 11137  
services agency and "director of development" means the director 11138  
of development services. 11139~~

**Sec. 1551.33.** (A) The director of development ~~services~~ shall 11140  
appoint and fix the compensation of the director of the Ohio coal 11141  
development office. The director shall serve at the pleasure of 11142  
the director of development ~~services~~. 11143

(B) The director of the office shall do all of the following: 11144

(1) Biennially prepare and maintain the Ohio coal development 11145  
agenda required under section 1551.34 of the Revised Code; 11146

(2) Propose and support policies for the office consistent 11147  
with the Ohio coal development agenda and develop means to 11148  
implement the agenda; 11149

(3) Initiate, undertake, and support projects to carry out 11150  
the office's purposes and ensure that the projects are consistent 11151  
with and meet the selection criteria established by the Ohio coal 11152  
development agenda; 11153

(4) Actively encourage joint participation in and, when 11154

feasible, joint funding of the office's projects with governmental 11155  
agencies, electric utilities, universities and colleges, other 11156  
public or private interests, or any other person; 11157

(5) Establish a table of organization for and employ such 11158  
employees and agents as are necessary for the administration and 11159  
operation of the office. Any such employees shall be in the 11160  
unclassified service and shall serve at the pleasure of the 11161  
director of development ~~services~~. 11162

(6) Convene the technical advisory committee established 11163  
under section 1551.35 of the Revised Code; 11164

(7) Review, with the assistance of the technical advisory 11165  
committee, proposed coal research and development projects as 11166  
defined in section 1555.01 of the Revised Code, and coal 11167  
development projects, submitted to the office by public utilities 11168  
for the purpose of section 4905.304 of the Revised Code. If the 11169  
director and the advisory committee determine that any such 11170  
facility or project has as its purpose the enhanced use of Ohio 11171  
coal in an environmentally acceptable, cost effective manner, 11172  
promotes energy conservation, is cost effective, and is 11173  
environmentally sound, the director shall submit to the public 11174  
utilities commission a report recommending that the commission 11175  
allow the recovery of costs associated with the facility or 11176  
project under section 4905.304 of the Revised Code and including 11177  
the reasons for the recommendation. 11178

(8) Establish such policies, procedures, and guidelines as 11179  
are necessary to achieve the office's purposes. 11180

(C) With the approval of the director of development 11181  
~~services~~, the director of the office may exercise any of the 11182  
powers and duties that the director of development ~~services~~ 11183  
considers appropriate or desirable to achieve the office's 11184  
purposes, including, but not limited to, the powers and duties 11185

enumerated in sections 1551.11, 1551.12, and 1551.15 of the Revised Code.

Additionally, the director of the office may make loans to governmental agencies or persons for projects to carry out the office's purposes. Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of the loans shall be such as the director of the office determines to be appropriate and in furtherance of the purposes for which the loans are made. The mortgage lien securing any moneys lent by the director of the office may be subordinate to the mortgage lien securing any moneys lent or invested by a financial institution, but shall be superior to that securing any moneys lent or expended by any other person. The moneys used in making the loans shall be disbursed upon order of the director of the office.

**Sec. 1551.35.** (A) There is hereby established a technical advisory committee to assist the director of the Ohio coal development office in achieving the office's purposes. The director of development ~~services~~ shall appoint to the committee one member of the public utilities commission and one representative each of coal production companies, the united mine workers of America, and electric utilities, as well as two people with a background in coal research and development technology, one of whom is employed at the time of the member's appointment by a state university, as defined in section 3345.011 of the Revised Code. In addition, the committee shall include four legislative members. The speaker and minority leader of the house of representatives each shall appoint one member of the house of representatives, and the president and minority leader of the senate each shall appoint one member of the senate, to the committee. The director of environmental protection shall serve on the committee as an ex officio member. Any member of the committee

may designate in writing a substitute to serve in the member's 11218  
absence on the committee. The director of environmental protection 11219  
may designate in writing the chief of the air pollution control 11220  
division of the environmental protection agency to represent the 11221  
agency. Members shall serve on the committee at the pleasure of 11222  
their appointing authority. Members of the committee appointed by 11223  
the director of development ~~services~~ and, notwithstanding section 11224  
101.26 of the Revised Code, legislative members of the committee, 11225  
when engaged in their official duties as members of the committee, 11226  
shall be compensated on a per diem basis in accordance with 11227  
division (J) of section 124.15 of the Revised Code, except that 11228  
the member of the public utilities commission and, while employed 11229  
by a state university, the member with a background in coal 11230  
research, shall not be so compensated. Members shall receive their 11231  
actual and necessary expenses incurred in the performance of their 11232  
duties. 11233

(B) The technical advisory committee shall review and make 11234  
recommendations concerning the Ohio coal development agenda 11235  
required under section 1551.34 of the Revised Code, project 11236  
proposals, research and development projects submitted to the 11237  
office by public utilities for the purpose of section 4905.304 of 11238  
the Revised Code, proposals for grants, loans, and loan guarantees 11239  
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 11240  
and such other topics as the director of the office considers 11241  
appropriate. 11242

(C) The technical advisory committee may hold an executive 11243  
session at any regular or special meeting for the purpose of 11244  
considering research and development project proposals or 11245  
applications for assistance submitted to the Ohio coal development 11246  
office under section 1551.33, or sections 1555.01 to 1555.06, of 11247  
the Revised Code, to the extent that the proposals or applications 11248  
consist of trade secrets or other proprietary information. 11249

Any materials or data submitted to, made available to, or 11250  
received by the department of development ~~services agency~~ or the 11251  
director of the Ohio coal development office in connection with 11252  
agreements for assistance entered into under this chapter or 11253  
Chapter 1555. of the Revised Code, or any information taken from 11254  
those materials or data for any purpose, to the extent that the 11255  
materials or data consist of trade secrets or other proprietary 11256  
information, are not public records for the purposes of section 11257  
149.43 of the Revised Code. 11258

As used in this division, "trade secrets" has the same 11259  
meaning as in section 1333.61 of the Revised Code. 11260

**Sec. 1561.12.** An applicant for any examination or certificate 11261  
under this section shall, before being examined, register the 11262  
applicant's name with the chief of the division of mineral 11263  
resources management and file with the chief an affidavit as to 11264  
all matters of fact establishing the applicant's right to receive 11265  
the examination, a certificate of good character and temperate 11266  
habits signed by at least three reputable citizens of the 11267  
community in which the applicant resides, and a certificate from a 11268  
reputable and disinterested physician as to the physical condition 11269  
of the applicant showing that the applicant is physically capable 11270  
of performing the duties of the office or position. 11271

Each applicant for examination for any of the following 11273  
positions shall present evidence satisfactory to the chief that 11274  
the applicant has been a resident and citizen of this state for 11275  
two years next preceding the date of application: 11276

(A) An applicant for the position of deputy mine inspector of 11277  
underground mines shall have had actual practical experience of 11278  
not less than six years, ~~at least two of which shall have been in~~ 11279  
~~the underground workings of mines in this state. In the case of an~~ 11280

~~applicant who would inspect underground coal mines, the two years shall consist of actual practical experience in underground coal mines. In the case of an applicant who would inspect noncoal mines, the two years shall consist of actual practical experience in noncoal mines in underground mines. In lieu of two of the six years of the actual practical experience required in underground mines, the chief may accept as the equivalent thereof a certificate evidencing graduation from an accredited school of mines or mining, after a four-year course of study, but such credit shall not apply as to the two years' actual practical experience required in the mines in this state.~~

The applicant shall pass an examination as to the applicant's practical and technological knowledge of mine surveying, mining machinery, and appliances; the proper development and operation of mines; the best methods of working and ventilating mines; the nature, properties, and powers of noxious, poisonous, and explosive gases, particularly methane; the best means and methods of detecting, preventing, and removing the accumulation of such gases; the use and operation of gas detecting devices and appliances; first aid to the injured; and the uses and dangers of electricity as applied and used in, at, and around mines. The applicant shall also hold a certificate for foreperson of gaseous mines issued by the chief.

(B) An applicant for the position of deputy mine inspector of surface mines shall have had actual practical mining experience of not less than six years, ~~at least two of which shall have been in surface mines in this state.~~ In lieu of two of the six years of ~~the~~ actual practical experience required, the chief may accept as the equivalent thereof a certificate evidencing graduation from an accredited school of mines or mining, after a four-year course of study, ~~but that credit shall not apply as to the two years' actual practical experience required in the mines in this state.~~ The

applicant shall pass an examination as to the applicant's 11313  
practical and technological knowledge of surface mine surveying, 11314  
machinery, and appliances; the proper development and operations 11315  
of surface mines; first aid to the injured; and the use and 11316  
dangers of explosives and electricity as applied and used in, at, 11317  
and around surface mines. The applicant shall also hold a surface 11318  
mine foreperson certificate issued by the chief. 11319

(C) An applicant for the position of electrical inspector 11320  
shall have had at least five years' practical experience in the 11321  
installation and maintenance of electrical circuits and equipment 11322  
in mines, and the applicant shall be thoroughly familiar with the 11323  
principles underlying the safety features of permissible and 11324  
approved equipment as authorized and used in mines. 11325

The applicant shall be required to pass the examination 11326  
required for deputy mine inspectors and an examination testing and 11327  
determining the applicant's qualification and ability to 11328  
competently inspect and administer the mining law that relates to 11329  
electricity used in and around mines and mining in this state. 11330

(D) An applicant for the position of superintendent or 11331  
assistant superintendent of rescue stations shall possess the same 11332  
qualifications as those required for a deputy mine inspector. In 11333  
addition, the applicant shall present evidence satisfactory to the 11334  
chief that the applicant is sufficiently qualified and trained to 11335  
organize, supervise, and conduct group training classes in first 11336  
aid, safety, and rescue work. 11337

The applicant shall pass the examination required for deputy 11338  
mine inspectors and shall be tested as to the applicant's 11339  
practical and technological experience and training in first aid, 11340  
safety, and mine rescue work. 11341

(E) An applicant for the position of mine chemist shall have 11342  
such educational training as is represented by the degree MS in 11343

chemistry from a university of recognized standing, and at least 11344  
five years of actual practical experience in research work in 11345  
chemistry or as an assistant chemist. The chief may provide that 11346  
an equivalent combination of education and experience together 11347  
with a wide knowledge of the methods of and skill in chemical 11348  
analysis and research may be accepted in lieu of the above 11349  
qualifications. It is preferred that the chemist shall have had 11350  
actual experience in mineralogy and metallurgy. 11351

**Sec. 1561.23.** (A) The chief of the division of mineral 11352  
resources management shall issue the following certificates to 11353  
those applicants who pass their examination: 11354

- ~~(A)~~(1) Certificates for mine forepersons of gaseous mines; 11355
- ~~(B)~~(2) Certificates for mine forepersons of nongaseous mines; 11356
- ~~(C)~~(3) Certificates for forepersons of gaseous mines; 11357
- ~~(D)~~(4) Certificates for forepersons of nongaseous mines; 11358
- ~~(E)~~(5) Certificates for forepersons of surface maintenance 11359  
facilities of underground or surface mines; 11360
- ~~(F)~~(6) Certificates for mine forepersons of surface mines; 11361
- ~~(G)~~(7) Certificates for forepersons of surface mines; 11362
- ~~(H)~~(8) Certificates for fire bosses; 11363
- ~~(I)~~(9) Certificates for mine electricians; 11364
- ~~(J)~~(10) Certificates for surface mine blasters; 11365
- ~~(K)~~(11) Certificates for shot firers. 11366

(B) Applicants for certificates shall make application to the 11367  
chief, on a form provided by the chief, for examination. All 11368  
applicants shall be able to read and write the English language 11369  
intelligently, and shall furnish the chief with a certificate as 11370  
to their character, length and description of their practical 11371

experience, and satisfactory evidence of their ability to perform 11372  
the duties of the position for which they make application for 11373  
examination. 11374

(C) The chief may issue a certificate to an applicant for 11375  
mine foreperson, foreperson, or mine electrician who holds a valid 11376  
certification or other authorization from a state with which the 11377  
department of natural resources has a reciprocal agreement for the 11378  
certification or other authorization. However, the applicant shall 11379  
pass an examination on this chapter and rules adopted under it or 11380  
on any other relevant material that the chief determines to be 11381  
appropriate. 11382

A mine foreperson, foreperson, or mine electrician who has 11383  
been issued a temporary certificate under section 1565.06 of the 11384  
Revised Code prior to the effective date of this amendment and who 11385  
holds a valid certification or other authorization from a state 11386  
with which the department has a reciprocal agreement for the 11387  
certification or other authorization may continue to operate under 11388  
the temporary certificate until it expires or the chief suspends 11389  
or revokes it. 11390

(D) Except as provided in sections 1561.16 and 1561.17 of the 11391  
Revised Code, any certificate issued by the former mine examining 11392  
board prior to October 29, 1995, shall remain in effect 11393  
notwithstanding the new classifications of certificates 11394  
established by this section. 11395

**Sec. 1703.27.** No foreign nonprofit corporation shall exercise 11396  
its corporate privileges in this state in a continual course of 11397  
transactions until it has first procured from the secretary of 11398  
state a certificate authorizing it to do so. 11399

Before issuing such certificate, the secretary of state shall 11400  
require such foreign corporation to file in the secretary of 11401  
state's office a certificate of good standing or subsistence, 11402

setting forth the exact corporate title, the date of 11403  
incorporation, and the fact that the corporation is in good 11404  
standing or is a subsisting corporation, certified by the 11405  
secretary of state, or other proper official, of the state under 11406  
the laws of which the corporation was incorporated, and a 11407  
statement, on a form prescribed by the secretary of state, 11408  
verified by the oath of one of its officers, setting forth, but 11409  
not limited to, the following: 11410

(A) The name of the corporation; 11411

(B) The state under the laws of which it is incorporated; 11412

(C) The location of its principal office; 11413

(D) The corporate privileges it proposes to exercise in this 11414  
state; 11415

~~(E) The location of its principal office in this state;~~ 11416

~~(F)~~ The appointment of a designated agent and the complete 11417  
address of such agent, which shall comply with the requirements of 11418  
section 1703.041 of the Revised Code; 11419

~~(G)~~(F) Its irrevocable consent to service of process on such 11420  
agent so long as the authority of the agent continues and to 11421  
service of process upon the secretary of state in the events 11422  
provided for in section 1703.19 of the Revised Code. 11423

For the filing of that statement, the secretary of state 11424  
shall charge and collect the fee specified in division (I)(1) of 11425  
section 111.16 of the Revised Code. 11426

A foreign nonprofit corporation shall file an amendment with 11427  
the secretary of state if there is a modification of any of the 11428  
information required to be included in its statement, except for 11429  
changes in information required by division ~~(F)~~(E) of this 11430  
section, which shall be corrected in the same manner as described 11431  
in section 1702.06 of the Revised Code. For the filing of those 11432

amendments and corrections, the secretary of state shall charge 11433  
and collect the fee specified in division (B) or (R) of section 11434  
111.16 of the Revised Code. 11435

Sections 1703.01 to 1703.31 of the Revised Code, governing 11436  
foreign corporations for profit in respect to exemption from 11437  
attachment, change of location of principal office, change of its 11438  
designated agent or of the designated agent's address, service on 11439  
the secretary of state, license certificate as prima-facie 11440  
evidence, proof of due incorporation, filing of amendments 11441  
evidencing changes of corporate name, merger, or consolidation, 11442  
filing of certificate of surrender, service on retired 11443  
corporation, and penalties or forfeitures for transacting business 11444  
without license, for false reports, and for failure to comply with 11445  
other applicable provisions of such sections, shall also apply to 11446  
foreign nonprofit corporations. 11447

The secretary of state may require further reports, 11448  
certificates, or information from a foreign nonprofit corporation, 11449  
including verification of the continued existence of the 11450  
corporation. Upon the failure of any corporation to provide the 11451  
information, the secretary of state shall give notice of the 11452  
failure by certified mail and, if the report is not filed within 11453  
thirty days after the mailing of the notice, the license of the 11454  
corporation to exercise its corporate privileges in this state 11455  
shall expire and the secretary of state shall make a notation to 11456  
that effect on the secretary of state's records. 11457

**Sec. 1707.37.** (A) All fees and charges collected under this 11458  
chapter shall be paid into the state treasury to the credit of the 11459  
division of securities fund, which is hereby created. All expenses 11460  
of the division of securities, other than those specified in 11461  
division (B) of this section, shall be paid from the fund. 11462

The fund shall be assessed a proportionate share of the 11463

administrative costs of the department of commerce in accordance 11464  
with procedures prescribed by the director of commerce ~~and~~ 11465  
~~approved by the director of budget and management.~~ The assessments 11466  
shall be paid from the division of securities fund to the division 11467  
of administration fund. 11468

If moneys in the division of securities fund are determined 11469  
by the director of budget and management and the director of 11470  
commerce to be in excess of those necessary to defray all the 11471  
expenses in any fiscal year, the director of budget and management 11472  
shall transfer the excess to the general revenue fund. 11473

(B) There is hereby created in the state treasury the 11474  
division of securities investor education and enforcement expense 11475  
fund, which shall consist of all money received in settlement of 11476  
any violation of this chapter and any cash transfers. Money in the 11477  
fund shall be used to pay expenses of the division of securities 11478  
relating to education or enforcement for the protection of 11479  
securities investors and the public. The division may adopt rules 11480  
pursuant to section 1707.20 of the Revised Code that establish 11481  
what qualifies as such an expense. 11482

**Sec. 1707.47.** (A) As used in this section and section 11483  
1707.471 of the Revised Code: 11484

(1) "Claimant" means a person that files an application for 11485  
restitution assistance on behalf of a victim. 11486

(2) "Final order" means a final administrative order issued 11487  
by the division of securities or a final court order in a civil or 11488  
criminal proceeding initiated by the division. 11489

(3) "Victim" means a purchaser identified in a final order 11490  
that has suffered a pecuniary loss as the result of a violation of 11491  
this chapter or any rules adopted thereunder, or, in the case of a 11492  
deceased purchaser so identified, the purchaser's surviving spouse 11493

or dependent children. 11494

(B) There is hereby created in the state treasury the Ohio investor recovery fund, which shall consist of all cash transfers from the division of securities fund, created in section 1707.37 of the Revised Code, not to exceed an aggregate total of two million five hundred thousand dollars in any fiscal year. Money in the Ohio investor recovery fund shall be used for the purposes identified in division (C) of this section. 11495  
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(C) The division shall use the Ohio investor recovery fund only to pay awards of restitution assistance and any expenses incurred in administering this section. 11502  
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(D)(1) If the Ohio investor recovery fund is reduced below two hundred fifty thousand dollars due to payment in full of restitution assistance awards that become final during a month, the division shall suspend payment of further claims that become final during that month and the following two months. 11505  
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(2) At the end of the suspension period described in division (D)(1) of this section, the division shall pay the suspended claims. If the Ohio investor recovery fund would be exhausted by payment in full of the suspended claims, the amount paid to each claimant shall be prorated according to the amount remaining in the Ohio investor recovery fund at the end of the suspension period. 11510  
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(E) The state shall not be liable for a determination made by the division under this section except to the extent that money is available in the Ohio investor recovery fund on the date the award is calculated. 11517  
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(F) The following victims are eligible for restitution assistance: 11521  
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(1) A natural person who is a resident of this state; 11523

(2) A person, other than a natural person, that is domiciled 11524  
in Ohio. 11525

(G) The division shall not award restitution assistance as 11526  
follows: 11527

(1) To more than one claimant per victim; 11528

(2) To a claimant on behalf of a victim that has received the 11529  
full amount of restitution owed from the person ordered to pay 11530  
restitution to the victim in the final order before the 11531  
application for restitution assistance from the fund is filed; 11532

(3) To a claimant if the final order identifies no pecuniary 11533  
loss to the victim on whose behalf the application is made; 11534

(4) To a claimant on behalf of a victim that assisted in the 11535  
commission of the violation of this chapter; 11536

(5) If the portion of the final order giving rise to a 11537  
restitution order or otherwise establishing a pecuniary loss to 11538  
the victim is overturned on appeal. 11539

(H) If, after the division has made a restitution assistance 11540  
award from the Ohio investor recovery fund under this section, the 11541  
restitution award in the final order is overturned on appeal and 11542  
all legal remedies have been exhausted, then the claimant shall 11543  
forfeit the restitution assistance award. 11544

**Sec. 1707.471.** (A) A person that is eligible for a 11545  
restitution assistance award under section 1707.47 of the Revised 11546  
Code may submit an application for restitution assistance to the 11547  
division in a manner and form prescribed by the division of 11548  
securities. 11549

(B) To receive a restitution assistance award, the claimant 11550  
shall submit an application to the division within one hundred 11551  
eighty days after the date of the final order. The division may 11552  
grant an extension for good cause shown by the claimant. In no 11553

case shall the division accept an application that is received 11554  
more than two years after the date of the final order. 11555

(C) The maximum award from the Ohio investor recovery fund 11556  
created in section 1707.47 of the Revised Code for each claimant 11557  
shall be the lesser of twenty-five thousand dollars or twenty-five 11558  
per cent of the amount of monetary injury suffered by the victim 11559  
as specified in the final order. 11560

(D) The state is subrogated to the rights of the person 11561  
awarded restitution assistance under section 1707.47 of the 11562  
Revised Code to the extent of the award. The subrogation rights 11563  
are against the person that committed the securities violation or 11564  
a person liable for the pecuniary loss. 11565

(E) The state may obtain a lien on the restitution assistance 11566  
award in a separation action brought by the state or through state 11567  
intervention in an action brought by or on behalf of the victim. 11568

(F)(1) No claimant shall knowingly file or cause to be filed 11569  
an application for restitution assistance or documents supporting 11570  
the application that contain false, incomplete, or misleading 11571  
information in any material respect. 11572

(2) A claimant that violates division (F)(1) of this section 11573  
shall forfeit all restitution assistance provided from the fund 11574  
and shall be fined not more than ten thousand dollars by the 11575  
division. 11576

(3) Notwithstanding section 1707.28 of the Revised Code, a 11577  
proceeding to determine whether a violation of division (F)(1) of 11578  
this section occurred shall be commenced not later than two years 11579  
after the date on which the division discovered the violation or 11580  
through reasonable diligence should have discovered the violation, 11581  
whichever is earlier. 11582

(G) The division shall adopt rules as necessary to implement 11583  
sections 1707.47 and 1707.471 of the Revised Code, including rules 11584

<u>governing the processes for both of the following:</u>	11585
<u>(1) Reviewing applications for restitution assistance awards;</u>	11586
<u>(2) Suspending awards or making a prorated payment of awards</u>	11587
<u>when the fund balance approaches or reaches a balance below two</u>	11588
<u>hundred fifty thousand dollars.</u>	11589
<b><u>Sec. 1707.49. (A) As used in this section:</u></b>	11590
<u>(1) "Eligible adult" means either of the following:</u>	11591
<u>(a) A person sixty years of age or older;</u>	11592
<u>(b) A person eligible to receive protective services pursuant</u>	11593
<u>to sections 5101.60 to 5101.71 of the Revised Code.</u>	11594
<u>(2) "Financial exploitation" means either of the following:</u>	11595
<u>(a) The wrongful or unauthorized taking, withholding,</u>	11596
<u>directing, appropriation, or use of money, assets, or property of</u>	11597
<u>an eligible adult;</u>	11598
<u>(b) Any act or omission by a person, including through the</u>	11599
<u>use of a power of attorney or guardianship of an eligible adult,</u>	11600
<u>to do either of the following:</u>	11601
<u>(i) Obtain control, through deception, intimidation, or undue</u>	11602
<u>influence, money, assets, or property of an eligible adult and</u>	11603
<u>thereby deprive the eligible adult of the ownership, use, benefit,</u>	11604
<u>or possession of the money, assets, or property;</u>	11605
<u>(ii) Convert money, assets, or property of an eligible adult</u>	11606
<u>and thereby deprive the eligible adult of the ownership, use,</u>	11607
<u>benefit, or possession of the money, assets, or property.</u>	11608
<u>(B) If an employee of a dealer or investment adviser has</u>	11609
<u>reasonable cause to believe that an eligible adult who is an</u>	11610
<u>account holder may be subject to past, current, or attempted</u>	11611
<u>financial exploitation, then both of the following apply:</u>	11612

(1) The employee shall follow any internal written policy, program, plan, or procedure adopted by the dealer or investment adviser for the purpose of establishing protocols for the reporting of past, current, or attempted financial exploitation. 11613  
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(2) The dealer or investment adviser may place a hold on any transaction impacted by the past, current, or attempted financial exploitation for a period of time not to exceed fifteen business days. 11617  
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(C) A dealer or investment adviser shall report any transactional hold placed pursuant to division (B)(2) of this section, along with a summary of the facts and circumstances leading up to the hold, in writing immediately to the division and the county department of job and family services for the county in which the eligible adult resides. 11621  
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(D) A dealer or investment adviser making a report to the division and the county department of job and family services pursuant to division (C) of this section may continue the transactional hold for up to another fifteen business days at the request of an investigating federal or state agency or if the dealer or investment adviser has not heard from either the division or the county department of job and family services within the initial fifteen-day hold period. Nothing in this section shall be construed as limiting a dealer's or investment adviser's ability to seek injunctive relief from a court of competent jurisdiction at any time for any past, current, or attempted financial exploitation. 11627  
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(E) Any person participating in good faith in making a report or placing a transactional hold pursuant to this section is immune from any civil or administrative liability arising from the report or hold. 11639  
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(F) Any record made available to a state agency under this 11643

section shall be considered an investigative record pursuant to 11644  
division (B) of section 1707.12 of the Revised Code. Any record of 11645  
a transactional hold, any report relating to the hold, and any 11646  
notification of the hold shall be maintained by the dealer or 11647  
investment adviser for not less than five years. 11648

**Sec. 1733.321.** All fees, charges, and forfeitures collected 11649  
under this chapter shall be paid to the superintendent of 11650  
financial institutions, who shall deposit them into the state 11651  
treasury to the credit of the credit unions fund, which is hereby 11652  
established, and may be expended or obligated by the 11653  
superintendent for the defrayment of the costs of regulation of 11654  
credit unions. All actual and necessary expenses incurred by the 11655  
superintendent, including any services rendered by the department 11656  
of commerce for the benefit of credit unions, shall be paid from 11657  
the fund. The fund shall be assessed a proportionate share of the 11658  
administrative costs of the department of commerce and the 11659  
division of financial institutions. The proportionate share of the 11660  
administrative costs of the division of financial institutions 11661  
shall be determined in accordance with procedures prescribed by 11662  
the superintendent ~~and approved by the director of budget and~~ 11663  
~~management.~~ Such assessment shall be paid from the credit unions 11664  
fund to the division of administration fund or the financial 11665  
institutions fund. 11666

**Sec. 2151.011.** (A) As used in the Revised Code: 11667

(1) "Juvenile court" means whichever of the following is 11668  
applicable that has jurisdiction under this chapter and Chapter 11669  
2152. of the Revised Code: 11670

(a) The division of the court of common pleas specified in 11671  
section 2101.022 or 2301.03 of the Revised Code as having 11672  
jurisdiction under this chapter and Chapter 2152. of the Revised 11673

Code or as being the juvenile division or the juvenile division 11674  
combined with one or more other divisions; 11675

(b) The juvenile court of Cuyahoga county or Hamilton county 11676  
that is separately and independently created by section 2151.08 or 11677  
Chapter 2153. of the Revised Code and that has jurisdiction under 11678  
this chapter and Chapter 2152. of the Revised Code; 11679

(c) If division (A)(1)(a) or (b) of this section does not 11680  
apply, the probate division of the court of common pleas. 11681

(2) "Juvenile judge" means a judge of a court having 11682  
jurisdiction under this chapter. 11683

(3) "Private child placing agency" means any association, as 11684  
defined in section 5103.02 of the Revised Code, that is certified 11685  
under section 5103.03 of the Revised Code to accept temporary, 11686  
permanent, or legal custody of children and place the children for 11687  
either foster care or adoption. 11688

(4) "Private noncustodial agency" means any person, 11689  
organization, association, or society certified by the department 11690  
of job and family services that does not accept temporary or 11691  
permanent legal custody of children, that is privately operated in 11692  
this state, and that does one or more of the following: 11693

(a) Receives and cares for children for two or more 11694  
consecutive weeks; 11695

(b) Participates in the placement of children in certified 11696  
foster homes; 11697

(c) Provides adoption services in conjunction with a public 11698  
children services agency or private child placing agency. 11699

(B) As used in this chapter: 11700

(1) "Adequate parental care" means the provision by a child's 11701  
parent or parents, guardian, or custodian of adequate food, 11702  
clothing, and shelter to ensure the child's health and physical 11703

safety and the provision by a child's parent or parents of 11704  
specialized services warranted by the child's physical or mental 11705  
needs. 11706

(2) "Adult" means an individual who is eighteen years of age 11707  
or older. 11708

(3) "Agreement for temporary custody" means a voluntary 11709  
agreement authorized by section 5103.15 of the Revised Code that 11710  
transfers the temporary custody of a child to a public children 11711  
services agency or a private child placing agency. 11712

(4) "Alternative response" means the public children services 11713  
agency's response to a report of child abuse or neglect that 11714  
engages the family in a comprehensive evaluation of child safety, 11715  
risk of subsequent harm, and family strengths and needs and that 11716  
does not include a determination as to whether child abuse or 11717  
neglect occurred. 11718

(5) "Certified foster home" means a foster home, as defined 11719  
in section 5103.02 of the Revised Code, certified under section 11720  
5103.03 of the Revised Code. 11721

(6) "Child" means a person who is under eighteen years of 11722  
age, except that the juvenile court has jurisdiction over any 11723  
person who is adjudicated an unruly child prior to attaining 11724  
eighteen years of age until the person attains twenty-one years of 11725  
age, and, for purposes of that jurisdiction related to that 11726  
adjudication, a person who is so adjudicated an unruly child shall 11727  
be deemed a "child" until the person attains twenty-one years of 11728  
age. 11729

(7) "Child day camp," "child care," "child day-care center," 11730  
"part-time child day-care center," "type A family day-care home," 11731  
"licensed type B family day-care home," "type B family day-care 11732  
home," "administrator of a child day-care center," "administrator 11733  
of a type A family day-care home," and "in-home aide" have the 11734

same meanings as in section 5104.01 of the Revised Code. 11735

(8) "Child care provider" means an individual who is a 11736  
child-care staff member or administrator of a child day-care 11737  
center, a type A family day-care home, or a type B family day-care 11738  
home, or an in-home aide or an individual who is licensed, is 11739  
regulated, is approved, operates under the direction of, or 11740  
otherwise is certified by the department of job and family 11741  
services, department of developmental disabilities, or the early 11742  
childhood programs of the department of education. 11743

(9) "Commit" means to vest custody as ordered by the court. 11744

(10) "Counseling" includes both of the following: 11745

(a) General counseling services performed by a public 11746  
children services agency or shelter for victims of domestic 11747  
violence to assist a child, a child's parents, and a child's 11748  
siblings in alleviating identified problems that may cause or have 11749  
caused the child to be an abused, neglected, or dependent child. 11750

(b) Psychiatric or psychological therapeutic counseling 11751  
services provided to correct or alleviate any mental or emotional 11752  
illness or disorder and performed by a licensed psychiatrist, 11753  
licensed psychologist, or a person licensed under Chapter 4757. of 11754  
the Revised Code to engage in social work or professional 11755  
counseling. 11756

(11) "Custodian" means a person who has legal custody of a 11757  
child or a public children services agency or private child 11758  
placing agency that has permanent, temporary, or legal custody of 11759  
a child. 11760

(12) "Delinquent child" has the same meaning as in section 11761  
2152.02 of the Revised Code. 11762

(13) "Detention" means the temporary care of children pending 11763  
court adjudication or disposition, or execution of a court order, 11764

in a public or private facility designed to physically restrict the movement and activities of children. 11765  
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(14) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code. 11767  
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(15) "Differential response approach" means an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response. 11769  
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(16) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code. 11773  
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(17) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents. 11775  
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(18) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year. 11780  
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(19) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code. 11785  
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(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code. 11787  
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(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and 11789  
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responsibilities. An individual granted legal custody shall 11795  
exercise the rights and responsibilities personally unless 11796  
otherwise authorized by any section of the Revised Code or by the 11797  
court. 11798

(22) A "legitimate excuse for absence from the public school 11799  
the child is supposed to attend" includes, but is not limited to, 11800  
any of the following: 11801

(a) The fact that the child in question has enrolled in and 11802  
is attending another public or nonpublic school in this or another 11803  
state; 11804

(b) The fact that the child in question is excused from 11805  
attendance at school for any of the reasons specified in section 11806  
3321.04 of the Revised Code; 11807

(c) The fact that the child in question has received an age 11808  
and schooling certificate in accordance with section 3331.01 of 11809  
the Revised Code. 11810

(23) "Mental illness" has the same meaning as in section 11811  
5122.01 of the Revised Code. 11812

(24) "Mental injury" means any behavioral, cognitive, 11813  
emotional, or mental disorder in a child caused by an act or 11814  
omission that is described in section 2919.22 of the Revised Code 11815  
and is committed by the parent or other person responsible for the 11816  
child's care. 11817

(25) "Nonsecure care, supervision, or training" means care, 11818  
supervision, or training of a child in a facility that does not 11819  
confine or prevent movement of the child within the facility or 11820  
from the facility. 11821

(26) "Of compulsory school age" has the same meaning as in 11822  
section 3321.01 of the Revised Code. 11823

(27) "Organization" means any institution, public, 11824

semipublic, or private, and any private association, society, or 11825  
agency located or operating in the state, incorporated or 11826  
unincorporated, having among its functions the furnishing of 11827  
protective services or care for children, or the placement of 11828  
children in certified foster homes or elsewhere. 11829

(28) "Out-of-home care" means detention facilities, shelter 11830  
facilities, certified children's crisis care facilities, certified 11831  
foster homes, placement in a prospective adoptive home prior to 11832  
the issuance of a final decree of adoption, organizations, 11833  
certified organizations, child day-care centers, type A family 11834  
day-care homes, type B family day-care homes, child care provided 11835  
by in-home aides, group home providers, group homes, institutions, 11836  
state institutions, residential facilities, residential care 11837  
facilities, residential camps, day camps, private, nonprofit 11838  
therapeutic wilderness camps, public schools, chartered nonpublic 11839  
schools, educational service centers, hospitals, and medical 11840  
clinics that are responsible for the care, physical custody, or 11841  
control of children. 11842

(29) "Out-of-home care child abuse" means any of the 11843  
following when committed by a person responsible for the care of a 11844  
child in out-of-home care: 11845

(a) Engaging in sexual activity with a child in the person's 11846  
care; 11847

(b) Denial to a child, as a means of punishment, of proper or 11848  
necessary subsistence, education, medical care, or other care 11849  
necessary for a child's health; 11850

(c) Use of restraint procedures on a child that cause injury 11851  
or pain; 11852

(d) Administration of prescription drugs or psychotropic 11853  
medication to the child without the written approval and ongoing 11854  
supervision of a licensed physician; 11855

(e) Commission of any act, other than by accidental means, 11856  
that results in any injury to or death of the child in out-of-home 11857  
care or commission of any act by accidental means that results in 11858  
an injury to or death of a child in out-of-home care and that is 11859  
at variance with the history given of the injury or death. 11860

(30) "Out-of-home care child neglect" means any of the 11861  
following when committed by a person responsible for the care of a 11862  
child in out-of-home care: 11863

(a) Failure to provide reasonable supervision according to 11864  
the standards of care appropriate to the age, mental and physical 11865  
condition, or other special needs of the child; 11866

(b) Failure to provide reasonable supervision according to 11867  
the standards of care appropriate to the age, mental and physical 11868  
condition, or other special needs of the child, that results in 11869  
sexual or physical abuse of the child by any person; 11870

(c) Failure to develop a process for all of the following: 11871

(i) Administration of prescription drugs or psychotropic 11872  
drugs for the child; 11873

(ii) Assuring that the instructions of the licensed physician 11874  
who prescribed a drug for the child are followed; 11875

(iii) Reporting to the licensed physician who prescribed the 11876  
drug all unfavorable or dangerous side effects from the use of the 11877  
drug. 11878

(d) Failure to provide proper or necessary subsistence, 11879  
education, medical care, or other individualized care necessary 11880  
for the health or well-being of the child; 11881

(e) Confinement of the child to a locked room without 11882  
monitoring by staff; 11883

(f) Failure to provide ongoing security for all prescription 11884  
and nonprescription medication; 11885

(g) Isolation of a child for a period of time when there is 11886  
substantial risk that the isolation, if continued, will impair or 11887  
retard the mental health or physical well-being of the child. 11888

(31) "Permanent custody" means a legal status that vests in a 11889  
public children services agency or a private child placing agency, 11890  
all parental rights, duties, and obligations, including the right 11891  
to consent to adoption, and divests the natural parents or 11892  
adoptive parents of all parental rights, privileges, and 11893  
obligations, including all residual rights and obligations. 11894

(32) "Permanent surrender" means the act of the parents or, 11895  
if a child has only one parent, of the parent of a child, by a 11896  
voluntary agreement authorized by section 5103.15 of the Revised 11897  
Code, to transfer the permanent custody of the child to a public 11898  
children services agency or a private child placing agency. 11899

(33) "Person" means an individual, association, corporation, 11900  
or partnership and the state or any of its political subdivisions, 11901  
departments, or agencies. 11902

(34) "Person responsible for a child's care in out-of-home 11903  
care" means any of the following: 11904

(a) Any foster caregiver, in-home aide, or provider; 11905

(b) Any administrator, employee, or agent of any of the 11906  
following: a public or private detention facility; shelter 11907  
facility; certified children's crisis care facility; organization; 11908  
certified organization; child day-care center; type A family 11909  
day-care home; licensed type B family day-care home; group home; 11910  
institution; state institution; residential facility; residential 11911  
care facility; residential camp; day camp; school district; 11912  
community school; chartered nonpublic school; educational service 11913  
center; hospital; or medical clinic; 11914

(c) Any person who supervises or coaches children as part of 11915  
an extracurricular activity sponsored by a school district, public 11916

school, or chartered nonpublic school;	11917
(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.	11918 11919
(35) "Physical impairment" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:	11920 11921 11922 11923
(a) A substantial impairment of vision, speech, or hearing;	11924
(b) A congenital orthopedic impairment;	11925
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	11926 11927 11928
(36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.	11929 11930 11931 11932
(37) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.	11933 11934 11935 11936
(38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:	11937 11938
(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	11939 11940 11941
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	11942 11943 11944 11945
(39) "Practice of social work" and "practice of professional	11946

counseling" have the same meanings as in section 4757.01 of the Revised Code. 11947  
11948

(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code. 11949  
11950

(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code. 11951  
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(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child. 11955  
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(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code. 11963  
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(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code. 11965  
11966

(45) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code. 11967  
11968

(46) "Resource family" has the same meaning as in section 5103.02 of the Revised Code. 11969  
11970

(47) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes. 11971  
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~~(46)~~(48) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health and addiction services under section 5119.34 of the 11974  
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Revised Code and that provides care for a child. 11977

~~(47)~~(49) "Residential facility" means a home or facility that 11978  
is licensed by the department of developmental disabilities under 11979  
section 5123.19 of the Revised Code and in which a child with a 11980  
developmental disability resides. 11981

~~(48)~~(50) "Residual parental rights, privileges, and 11982  
responsibilities" means those rights, privileges, and 11983  
responsibilities remaining with the natural parent after the 11984  
transfer of legal custody of the child, including, but not 11985  
necessarily limited to, the privilege of reasonable visitation, 11986  
consent to adoption, the privilege to determine the child's 11987  
religious affiliation, and the responsibility for support. 11988

~~(49)~~(51) "School day" means the school day established by the 11989  
board of education of the applicable school district pursuant to 11990  
section 3313.481 of the Revised Code. 11991

~~(50)~~(52) "School year" has the same meaning as in section 11992  
3313.62 of the Revised Code. 11993

~~(51)~~(53) "Secure correctional facility" means a facility 11994  
under the direction of the department of youth services that is 11995  
designed to physically restrict the movement and activities of 11996  
children and used for the placement of children after adjudication 11997  
and disposition. 11998

~~(52)~~(54) "Sexual activity" has the same meaning as in section 11999  
2907.01 of the Revised Code. 12000

~~(53)~~(55) "Shelter" means the temporary care of children in 12001  
physically unrestricted facilities pending court adjudication or 12002  
disposition. 12003

~~(54)~~(56) "Shelter for victims of domestic violence" has the 12004  
same meaning as in section 3113.33 of the Revised Code. 12005

~~(55)~~(57) "Temporary custody" means legal custody of a child 12006

who is removed from the child's home, which custody may be 12007  
terminated at any time at the discretion of the court or, if the 12008  
legal custody is granted in an agreement for temporary custody, by 12009  
the person who executed the agreement. 12010

~~(56)~~(58) "Traditional response" means a public children 12011  
services agency's response to a report of child abuse or neglect 12012  
that encourages engagement of the family in a comprehensive 12013  
evaluation of the child's current and future safety needs and a 12014  
fact-finding process to determine whether child abuse or neglect 12015  
occurred and the circumstances surrounding the alleged harm or 12016  
risk of harm. 12017

(C) For the purposes of this chapter, a child shall be 12018  
presumed abandoned when the parents of the child have failed to 12019  
visit or maintain contact with the child for more than ninety 12020  
days, regardless of whether the parents resume contact with the 12021  
child after that period of ninety days. 12022

**Sec. 2151.152.** The juvenile judge may enter into an agreement 12023  
with the department of job and family services pursuant to section 12024  
5101.11 of the Revised Code for the purpose of reimbursing the 12025  
court for foster care maintenance costs ~~and~~, associated 12026  
administrative and training costs, and prevention services costs 12027  
under the "Family First Prevention Services Act," Public Law 12028  
115-123, incurred on behalf of a child who is ~~either~~any of the 12029  
following: 12030

(A) Eligible for payments under Title IV-E of the "Social 12031  
Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, and who is in 12032  
the temporary or permanent custody of the court or subject to a 12033  
disposition issued under division (A)(5) of section 2151.354 or 12034  
division (A)(7)(a)(ii) or (A)(8) of section 2152.19 of the Revised 12035  
Code; 12036

(B) Determined to be at serious risk of removal from the home 12037

and for whom the court has undertaken a plan of reasonable efforts 12038  
to prevent such removal-; 12039

(C) At imminent risk of removal from the home and is a 12040  
sibling of a child in the temporary or permanent custody of the 12041  
court. 12042

The agreement shall govern the responsibilities and duties 12043  
the court shall perform in providing services to the child. 12044

Sec. 2151.316. (A) The department of job and family services 12045  
shall adopt rules in accordance with Chapter 119. of the Revised 12046  
Code to establish and enforce a foster youth bill of rights for 12047  
individuals who are in the temporary or permanent custody of a 12048  
public children services agency or a planned permanent living 12049  
arrangement or in the Title IV-E eligible care and placement 12050  
responsibility of a juvenile court or other governmental agency 12051  
that provides Title IV-E reimbursable placement services and who 12052  
are subject to out-of-home care or placed with a kinship caregiver 12053  
as defined in section 5101.85 of the Revised Code. 12054

(B) If the rights of an individual, as established under 12055  
division (A) of this section, conflict with the rights of a 12056  
resource family or resource caregiver, as established in section 12057  
5103.163 of the Revised Code, the rights of the individual shall 12058  
preempt the rights of the resource family or resource caregiver. 12059

(C) The rights established by rules under this section shall 12060  
not create grounds for a civil action against the department, the 12061  
recommending agency, or the custodial agency. 12062

**Sec. 2151.34. (A) As used in this section: 12063**

(1) "Court" means the juvenile division of the court of 12064  
common pleas of the county in which the person to be protected by 12065  
the protection order resides. 12066

- (2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. 12067  
12068
- (3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code. 12069  
12070
- (4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code. 12071  
12072
- (5) "Petitioner" means a person who files a petition under this section and includes a person on whose behalf a petition under this section is filed. 12073  
12074  
12075
- (6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section. 12076  
12077
- (7) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 12078  
12079
- (8) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code. 12080  
12081
- (9) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 12082  
12083
- (B) The court has jurisdiction over all proceedings under this section. 12084  
12085
- (C)(1) Any of the following persons may seek relief under this section by filing a petition with the court: 12086  
12087
- (a) Any person on behalf of that person; 12088
- (b) Any parent or adult family or household member on behalf of any other family or household member; 12089  
12090
- (c) Any person who is determined by the court in its discretion as an appropriate person to seek relief under this section on behalf of any child. 12091  
12092  
12093
- (2) The petition shall contain or state all of the following: 12094
- (a) An allegation that the respondent engaged in a violation 12095

of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, 12096  
or 2911.211 of the Revised Code, committed a sexually oriented 12097  
offense, or engaged in a violation of any municipal ordinance that 12098  
is substantially equivalent to any of those offenses against the 12099  
person to be protected by the protection order, including a 12100  
description of the nature and extent of the violation; 12101

(b) If the petitioner seeks relief in the form of electronic 12102  
monitoring of the respondent, an allegation that at any time 12103  
preceding the filing of the petition the respondent engaged in 12104  
conduct that would cause a reasonable person to believe that the 12105  
health, welfare, or safety of the person to be protected was at 12106  
risk, a description of the nature and extent of that conduct, and 12107  
an allegation that the respondent presents a continuing danger to 12108  
the person to be protected; 12109

(c) A request for relief under this section. 12110

(3) The court in its discretion may determine whether or not 12111  
to give notice that a petition has been filed under division 12112  
(C)(1) of this section on behalf of a child to any of the 12113  
following: 12114

(a) A parent of the child if the petition was filed by any 12115  
person other than a parent of the child; 12116

(b) Any person who is determined by the court to be an 12117  
appropriate person to receive notice of the filing of the 12118  
petition. 12119

(D)(1) If a person who files a petition pursuant to this 12120  
section requests an ex parte order, the court shall hold an ex 12121  
parte hearing as soon as possible after the petition is filed, but 12122  
not later than the next day after the court is in session after 12123  
the petition is filed. The court, for good cause shown at the ex 12124  
parte hearing, may enter any temporary orders, with or without 12125  
bond, that the court finds necessary for the safety and protection 12126

of the person to be protected by the order. Immediate and present 12127  
danger to the person to be protected by the protection order 12128  
constitutes good cause for purposes of this section. Immediate and 12129  
present danger includes, but is not limited to, situations in 12130  
which the respondent has threatened the person to be protected by 12131  
the protection order with bodily harm or in which the respondent 12132  
previously has been convicted of, pleaded guilty to, or been 12133  
adjudicated a delinquent child for committing a violation of 12134  
section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 12135  
2911.211 of the Revised Code, a sexually oriented offense, or a 12136  
violation of any municipal ordinance that is substantially 12137  
equivalent to any of those offenses against the person to be 12138  
protected by the protection order. 12139

(2)(a) If the court, after an ex parte hearing, issues a 12140  
protection order described in division (E) of this section, the 12141  
court shall schedule a full hearing for a date that is within ten 12142  
court days after the ex parte hearing. The court shall give the 12143  
respondent notice of, and an opportunity to be heard at, the full 12144  
hearing. The court also shall give notice of the full hearing to 12145  
the parent, guardian, or legal custodian of the respondent. The 12146  
court shall hold the full hearing on the date scheduled under this 12147  
division unless the court grants a continuance of the hearing in 12148  
accordance with this division. Under any of the following 12149  
circumstances or for any of the following reasons, the court may 12150  
grant a continuance of the full hearing to a reasonable time 12151  
determined by the court: 12152

(i) Prior to the date scheduled for the full hearing under 12153  
this division, the respondent has not been served with the 12154  
petition filed pursuant to this section and notice of the full 12155  
hearing. 12156

(ii) The parties consent to the continuance. 12157

(iii) The continuance is needed to allow a party to obtain 12158

counsel. 12159

(iv) The continuance is needed for other good cause. 12160

(b) An ex parte order issued under this section does not 12161  
expire because of a failure to serve notice of the full hearing 12162  
upon the respondent before the date set for the full hearing under 12163  
division (D)(2)(a) of this section or because the court grants a 12164  
continuance under that division. 12165

(3) If a person who files a petition pursuant to this section 12166  
does not request an ex parte order, or if a person requests an ex 12167  
parte order but the court does not issue an ex parte order after 12168  
an ex parte hearing, the court shall proceed as in a normal civil 12169  
action and grant a full hearing on the matter. 12170

(E)(1)(a) After an ex parte or full hearing, the court may 12171  
issue any protection order, with or without bond, that contains 12172  
terms designed to ensure the safety and protection of the person 12173  
to be protected by the protection order. The court may include 12174  
within a protection order issued under this section a term 12175  
requiring that the respondent not remove, damage, hide, harm, or 12176  
dispose of any companion animal owned or possessed by the person 12177  
to be protected by the order, and may include within the order a 12178  
term authorizing the person to be protected by the order to remove 12179  
a companion animal owned by the person to be protected by the 12180  
order from the possession of the respondent. 12181

(b) After a full hearing, if the court considering a petition 12182  
that includes an allegation of the type described in division 12183  
(C)(2)(b) of this section or the court, upon its own motion, finds 12184  
upon clear and convincing evidence that the petitioner reasonably 12185  
believed that the respondent's conduct at any time preceding the 12186  
filing of the petition endangered the health, welfare, or safety 12187  
of the person to be protected and that the respondent presents a 12188  
continuing danger to the person to be protected and if division 12189

(N) of this section does not prohibit the issuance of an order 12190  
that the respondent be electronically monitored, the court may 12191  
order that the respondent be electronically monitored for a period 12192  
of time and under the terms and conditions that the court 12193  
determines are appropriate. Electronic monitoring shall be in 12194  
addition to any other relief granted to the petitioner. 12195

(2)(a) Any protection order issued pursuant to this section 12196  
shall be valid until a date certain but not later than the date 12197  
the respondent attains nineteen years of age. 12198

(b) Any protection order issued pursuant to this section may 12199  
be renewed in the same manner as the original order was issued. 12200

(3) A court may not issue a protection order that requires a 12201  
petitioner to do or to refrain from doing an act that the court 12202  
may require a respondent to do or to refrain from doing under 12203  
division (E)(1) of this section unless all of the following apply: 12204

(a) The respondent files a separate petition for a protection 12205  
order in accordance with this section. 12206

(b) The petitioner is served with notice of the respondent's 12207  
petition at least forty-eight hours before the court holds a 12208  
hearing with respect to the respondent's petition, or the 12209  
petitioner waives the right to receive this notice. 12210

(c) If the petitioner has requested an ex parte order 12211  
pursuant to division (D) of this section, the court does not delay 12212  
any hearing required by that division beyond the time specified in 12213  
that division in order to consolidate the hearing with a hearing 12214  
on the petition filed by the respondent. 12215

(d) After a full hearing at which the respondent presents 12216  
evidence in support of the request for a protection order and the 12217  
petitioner is afforded an opportunity to defend against that 12218  
evidence, the court determines that the petitioner has committed a 12219  
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 12220

2903.22, or 2911.211 of the Revised Code, a sexually oriented 12221  
offense, or a violation of any municipal ordinance that is 12222  
substantially equivalent to any of those offenses against the 12223  
person to be protected by the protection order issued pursuant to 12224  
division (E)(3) of this section, or has violated a protection 12225  
order issued pursuant to this section or section 2903.213 of the 12226  
Revised Code relative to the person to be protected by the 12227  
protection order issued pursuant to division (E)(3) of this 12228  
section. 12229

(4) No protection order issued pursuant to this section shall 12230  
in any manner affect title to any real property. 12231

(5)(a) A protection order issued under this section shall 12232  
clearly state that the person to be protected by the order cannot 12233  
waive or nullify by invitation or consent any requirement in the 12234  
order. 12235

(b) Division (E)(5)(a) of this section does not limit any 12236  
discretion of a court to determine that a respondent alleged to 12237  
have violated section 2919.27 of the Revised Code, violated a 12238  
municipal ordinance substantially equivalent to that section, or 12239  
committed contempt of court, which allegation is based on an 12240  
alleged violation of a protection order issued under this section, 12241  
did not commit the violation or was not in contempt of court. 12242

(6) Any protection order issued pursuant to this section 12243  
shall include a provision that the court will automatically seal 12244  
all of the records of the proceeding in which the order is issued 12245  
on the date the respondent attains the age of nineteen years 12246  
unless the petitioner provides the court with evidence that the 12247  
respondent has not complied with all of the terms of the 12248  
protection order. The protection order shall specify the date when 12249  
the respondent attains the age of nineteen years. 12250

(F)(1) The court shall cause the delivery of a copy of any 12251

protection order that is issued under this section to the 12252  
petitioner, to the respondent, and to all law enforcement agencies 12253  
that have jurisdiction to enforce the order. If the protection 12254  
order will be valid subsequent to the date on which the respondent 12255  
attains eighteen years of age, the order shall be transmitted by 12256  
the clerk of the court to the appropriate law enforcement agency 12257  
for entry into the protection order database of the national crime 12258  
information center (NCIC) maintained by the federal bureau of 12259  
investigation. The court shall direct that a copy of the order be 12260  
delivered to the respondent and the parent, guardian, or legal 12261  
custodian of the respondent on the same day that the order is 12262  
entered. If the court terminates or cancels the order, the clerk 12263  
of the court shall cause the delivery of notice of the termination 12264  
or cancellation to the same persons and entities that were 12265  
delivered a copy of the order and the court shall issue the 12266  
removal order described in this division to the appropriate law 12267  
enforcement agency. 12268

The court shall file with the clerk of the court each 12269  
protection order issued pursuant to this section that will be 12270  
valid subsequent to the date on which the respondent attains 12271  
eighteen years of age and the clerk shall transmit the order to 12272  
the appropriate law enforcement agency to be entered into the law 12273  
enforcement automated data system created by section 5503.10 of 12274  
the Revised Code, and known as LEADS, by the close of the next 12275  
business day after the day on which the court issues the order. 12276  
Upon the termination or cancellation of the order, the court shall 12277  
order the appropriate law enforcement agency to remove the order 12278  
from the LEADS database by the close of the next business day 12279  
after the day on which the termination or cancellation of the 12280  
order occurred and shall ensure that the order is terminated, 12281  
cleared, or canceled in the protection order database of the 12282  
national crime information center (NCIC) maintained by the federal 12283  
bureau of investigation. 12284

(2) Upon the issuance of a protection order under this section, the court shall provide the parties to the order with the following notice orally or by form:

"NOTICE

As a result of this order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8) for the duration of this order. If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney."

(3) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and time that it received the order.

(4) Regardless of whether the petitioner has registered the protection order in the county in which the officer's agency has jurisdiction pursuant to division (M) of this section, any officer of a law enforcement agency shall enforce a protection order issued pursuant to this section by any court in this state in accordance with the provisions of the order, including removing the respondent from the premises, if appropriate.

(G)(1) Any proceeding under this section shall be conducted in accordance with the Rules of Civil Procedure, except that a protection order may be obtained under this section with or without bond. An order issued under this section, other than an ex parte order, that grants a protection order, or that refuses to grant a protection order, is a final, appealable order. The remedies and procedures provided in this section are in addition to, and not in lieu of, any other available civil or criminal remedies or any other available remedies under Chapter 2151. or 2152. of the Revised Code.

(2) If as provided in division (G)(1) of this section an order issued under this section, other than an ex parte order, refuses to grant a protection order, the court, on its own motion, shall order that the ex parte order issued under this section and all of the records pertaining to that ex parte order be sealed after either of the following occurs:

(a) No party has exercised the right to appeal pursuant to Rule 4 of the Rules of Appellate Procedure.

(b) All appellate rights have been exhausted.

(H) The filing of proceedings under this section does not excuse a person from filing any report or giving any notice required by section 2151.421 of the Revised Code or by any other law.

(I) Any law enforcement agency that investigates an alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged commission of a sexually oriented offense, or an alleged violation of a municipal ordinance that is substantially equivalent to any of those offenses shall provide information to the victim and the family or household members of the victim regarding the relief available under this section.

(J)(1) Subject to division (J)(2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or by a court of another state, no court or unit of state or local government shall charge the petitioner any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent

agreement. 12348

(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, the court may assess costs against the respondent in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement. 12349  
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(K)(1) A person who violates a protection order issued under this section is subject to the following sanctions: 12356  
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(a) A delinquent child proceeding or a criminal prosecution for a violation of section 2919.27 of the Revised Code, if the violation of the protection order constitutes a violation of that section; 12358  
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(b) Punishment for contempt of court. 12362

(2) The punishment of a person for contempt of court for violation of a protection order issued under this section does not bar criminal prosecution of the person or a delinquent child proceeding concerning the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of or adjudication as a delinquent child for a violation of that section, and a person convicted of or adjudicated a delinquent child for a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity. 12363  
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(L) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate. 12374  
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(M)(1) A petitioner who obtains a protection order under this section may provide notice of the issuance or approval of the order to the judicial and law enforcement officials in any county 12376  
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other than the county in which the order is issued by registering 12379  
that order in the other county pursuant to division (M)(2) of this 12380  
section and filing a copy of the registered order with a law 12381  
enforcement agency in the other county in accordance with that 12382  
division. A person who obtains a protection order issued by a 12383  
court of another state may provide notice of the issuance of the 12384  
order to the judicial and law enforcement officials in any county 12385  
of this state by registering the order in that county pursuant to 12386  
section 2919.272 of the Revised Code and filing a copy of the 12387  
registered order with a law enforcement agency in that county. 12388

(2) A petitioner may register a protection order issued 12389  
pursuant to this section in a county other than the county in 12390  
which the court that issued the order is located in the following 12391  
manner: 12392

(a) The petitioner shall obtain a certified copy of the order 12393  
from the clerk of the court that issued the order and present that 12394  
certified copy to the clerk of the court of common pleas or the 12395  
clerk of a municipal court or county court in the county in which 12396  
the order is to be registered. 12397

(b) Upon accepting the certified copy of the order for 12398  
registration, the clerk of the court of common pleas, municipal 12399  
court, or county court shall place an endorsement of registration 12400  
on the order and give the petitioner a copy of the order that 12401  
bears that proof of registration. 12402

(3) The clerk of each court of common pleas, municipal court, 12403  
or county court shall maintain a registry of certified copies of 12404  
protection orders that have been issued by courts in other 12405  
counties pursuant to this section and that have been registered 12406  
with the clerk. 12407

(N) If the court orders electronic monitoring of the 12408  
respondent under this section, the court shall direct the 12409

sheriff's office or any other appropriate law enforcement agency 12410  
to install the electronic monitoring device and to monitor the 12411  
respondent. Unless the court determines that the respondent is 12412  
indigent, the court shall order the respondent to pay the cost of 12413  
the installation and monitoring of the electronic monitoring 12414  
device. If the court determines that the respondent is indigent 12415  
and subject to the maximum amount allowable to be paid in any year 12416  
from the fund and the rules promulgated by the attorney general 12417  
under section 2903.214 of the Revised Code, the cost of the 12418  
installation and monitoring of the electronic monitoring device 12419  
may be paid out of funds from the reparations fund created 12420  
pursuant to section 2743.191 of the Revised Code. The total amount 12421  
paid from the reparations fund created pursuant to section 12422  
2743.191 of the Revised Code for electronic monitoring under this 12423  
section and sections 2903.214 and 2919.27 of the Revised Code 12424  
shall not exceed three hundred thousand dollars per year. When the 12425  
total amount paid from the reparations fund in any year for 12426  
electronic monitoring under those sections equals or exceeds three 12427  
hundred thousand dollars, the court shall not order pursuant to 12428  
this section that an indigent respondent be electronically 12429  
monitored. 12430

(O) The court, in its discretion, may determine if the 12431  
respondent is entitled to court-appointed counsel in a proceeding 12432  
under this section. 12433

**Sec. 2151.412.** (A) Each public children services agency and 12434  
private child placing agency shall prepare and maintain a case 12435  
plan for any child to whom the agency is providing services and to 12436  
whom any of the following applies: 12437

(1) The agency filed a complaint pursuant to section 2151.27 12438  
of the Revised Code alleging that the child is an abused, 12439  
neglected, or dependent child; 12440

(2) The agency has temporary or permanent custody of the child; 12441  
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(3) The child is living at home subject to an order for protective supervision; 12443  
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(4) The child is in a planned permanent living arrangement. 12445

Except as provided by division (A)(2) of section 5103.153 of the Revised Code, a private child placing agency providing services to a child who is the subject of a voluntary permanent custody surrender agreement entered into under division (B)(2) of section 5103.15 of the Revised Code is not required to prepare and maintain a case plan for that child. 12446  
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(B) Each public children services agency shall prepare and maintain a case plan ~~or a family service plan~~ for any child for whom the agency is providing in-home services pursuant to an alternative response. 12452  
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(C)(1) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the content and format of case plans required by division (A) of this section and establishing procedures for developing, implementing, and changing the case plans. The rules shall at a minimum comply with the requirements of Title IV-E of the "Social Security Act," ~~94 Stat. 501,~~ 42 U.S.C. ~~671~~ 670, et seq. (1980), ~~as amended.~~ 12456  
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(2) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code requiring public children services agencies and private child placing agencies to maintain case plans for children and their families who are receiving services in their homes from the agencies and for whom case plans are not required by division (A) of this section. The rules for public children services agencies shall include the requirements for case plans ~~or family service plans~~ maintained for 12464  
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children and their families who are receiving services in their 12472  
homes from public children services agencies pursuant to an 12473  
alternative response. The agencies shall maintain case plans ~~and~~ 12474  
~~family service plans~~ as required by those rules; however, the case 12475  
plans ~~and family service plans~~ shall not be subject to any other 12476  
provision of this section except as specifically required by the 12477  
rules. 12478

(D) Each public children services agency and private child 12479  
placing agency that is required by division (A) of this section to 12480  
maintain a case plan shall file the case plan with the court prior 12481  
to the child's adjudicatory hearing but no later than thirty days 12482  
after the earlier of the date on which the complaint in the case 12483  
was filed or the child was first placed into shelter care. If the 12484  
agency does not have sufficient information prior to the 12485  
adjudicatory hearing to complete any part of the case plan, the 12486  
agency shall specify in the case plan the additional information 12487  
necessary to complete each part of the case plan and the steps 12488  
that will be taken to obtain that information. All parts of the 12489  
case plan shall be completed by the earlier of thirty days after 12490  
the adjudicatory hearing or the date of the dispositional hearing 12491  
for the child. 12492

(E) Any agency that is required by division (A) of this 12493  
section to prepare a case plan shall attempt to obtain an 12494  
agreement among all parties, including, but not limited to, the 12495  
parents, guardian, or custodian of the child and the guardian ad 12496  
litem of the child regarding the content of the case plan. If all 12497  
parties agree to the content of the case plan and the court 12498  
approves it, the court shall journalize it as part of its 12499  
dispositional order. If the agency cannot obtain an agreement upon 12500  
the contents of the case plan or the court does not approve it, 12501  
the parties shall present evidence on the contents of the case 12502  
plan at the dispositional hearing. The court, based upon the 12503

evidence presented at the dispositional hearing and the best 12504  
interest of the child, shall determine the contents of the case 12505  
plan and journalize it as part of the dispositional order for the 12506  
child. 12507

(F)(1) All parties, including the parents, guardian, or 12508  
custodian of the child, are bound by the terms of the journalized 12509  
case plan. A party that fails to comply with the terms of the 12510  
journalized case plan may be held in contempt of court. 12511

(2) Any party may propose a change to a substantive part of 12512  
the case plan, including, but not limited to, the child's 12513  
placement and the visitation rights of any party. A party 12514  
proposing a change to the case plan shall file the proposed change 12515  
with the court and give notice of the proposed change in writing 12516  
before the end of the day after the day of filing it to all 12517  
parties and the child's guardian ad litem. All parties and the 12518  
guardian ad litem shall have seven days from the date the notice 12519  
is sent to object to and request a hearing on the proposed change. 12520

(a) If it receives a timely request for a hearing, the court 12521  
shall schedule a hearing pursuant to section 2151.417 of the 12522  
Revised Code to be held no later than thirty days after the 12523  
request is received by the court. The court shall give notice of 12524  
the date, time, and location of the hearing to all parties and the 12525  
guardian ad litem. The agency may implement the proposed change 12526  
after the hearing, if the court approves it. The agency shall not 12527  
implement the proposed change unless it is approved by the court. 12528

(b) If it does not receive a timely request for a hearing, 12529  
the court may approve the proposed change without a hearing. If 12530  
the court approves the proposed change without a hearing, it shall 12531  
journalize the case plan with the change not later than fourteen 12532  
days after the change is filed with the court. If the court does 12533  
not approve the proposed change to the case plan, it shall 12534  
schedule a hearing to be held pursuant to section 2151.417 of the 12535

Revised Code no later than thirty days after the expiration of the 12536  
fourteen-day time period and give notice of the date, time, and 12537  
location of the hearing to all parties and the guardian ad litem 12538  
of the child. If, despite the requirements of division (F)(2) of 12539  
this section, the court neither approves and journalizes the 12540  
proposed change nor conducts a hearing, the agency may implement 12541  
the proposed change not earlier than fifteen days after it is 12542  
submitted to the court. 12543

(3) If an agency has reasonable cause to believe that a child 12544  
is suffering from illness or injury and is not receiving proper 12545  
care and that an appropriate change in the child's case plan is 12546  
necessary to prevent immediate or threatened physical or emotional 12547  
harm, to believe that a child is in immediate danger from the 12548  
child's surroundings and that an immediate change in the child's 12549  
case plan is necessary to prevent immediate or threatened physical 12550  
or emotional harm to the child, or to believe that a parent, 12551  
guardian, custodian, or other member of the child's household has 12552  
abused or neglected the child and that the child is in danger of 12553  
immediate or threatened physical or emotional harm from that 12554  
person unless the agency makes an appropriate change in the 12555  
child's case plan, it may implement the change without prior 12556  
agreement or a court hearing and, before the end of the next day 12557  
after the change is made, give all parties, the guardian ad litem 12558  
of the child, and the court notice of the change. Before the end 12559  
of the third day after implementing the change in the case plan, 12560  
the agency shall file a statement of the change with the court and 12561  
give notice of the filing accompanied by a copy of the statement 12562  
to all parties and the guardian ad litem. All parties and the 12563  
guardian ad litem shall have ten days from the date the notice is 12564  
sent to object to and request a hearing on the change. 12565

(a) If it receives a timely request for a hearing, the court 12566  
shall schedule a hearing pursuant to section 2151.417 of the 12567

Revised Code to be held no later than thirty days after the 12568  
request is received by the court. The court shall give notice of 12569  
the date, time, and location of the hearing to all parties and the 12570  
guardian ad litem. The agency shall continue to administer the 12571  
case plan with the change after the hearing, if the court approves 12572  
the change. If the court does not approve the change, the court 12573  
shall make appropriate changes to the case plan and shall 12574  
journalize the case plan. 12575

(b) If it does not receive a timely request for a hearing, 12576  
the court may approve the change without a hearing. If the court 12577  
approves the change without a hearing, it shall journalize the 12578  
case plan with the change within fourteen days after receipt of 12579  
the change. If the court does not approve the change to the case 12580  
plan, it shall schedule a hearing under section 2151.417 of the 12581  
Revised Code to be held no later than thirty days after the 12582  
expiration of the fourteen-day time period and give notice of the 12583  
date, time, and location of the hearing to all parties and the 12584  
guardian ad litem of the child. 12585

(G)(1) All case plans for children in temporary custody shall 12586  
have the following general goals: 12587

(a) Consistent with the best interest and special needs of 12588  
the child, to achieve a safe out-of-home placement in the least 12589  
restrictive, most family-like setting available and in close 12590  
proximity to the home from which the child was removed or the home 12591  
in which the child will be permanently placed; 12592

(b) To eliminate with all due speed the need for the 12593  
out-of-home placement so that the child can safely return home. 12594

(2) The director of job and family services shall adopt rules 12595  
pursuant to Chapter 119. of the Revised Code setting forth the 12596  
general goals of case plans for children subject to dispositional 12597  
orders for protective supervision, a planned permanent living 12598

arrangement, or permanent custody. 12599

(H) In the agency's development of a case plan and the 12600  
court's review of the case plan, the child's health and safety 12601  
shall be the paramount concern. The agency and the court shall be 12602  
guided by the following general priorities: 12603

(1) A child who is residing with or can be placed with the 12604  
child's parents within a reasonable time should remain in their 12605  
legal custody even if an order of protective supervision is 12606  
required for a reasonable period of time; 12607

(2) If both parents of the child have abandoned the child, 12608  
have relinquished custody of the child, have become incapable of 12609  
supporting or caring for the child even with reasonable 12610  
assistance, or have a detrimental effect on the health, safety, 12611  
and best interest of the child, the child should be placed in the 12612  
legal custody of a suitable member of the child's extended family; 12613

(3) If a child described in division (H)(2) of this section 12614  
has no suitable member of the child's extended family to accept 12615  
legal custody, the child should be placed in the legal custody of 12616  
a suitable nonrelative who shall be made a party to the 12617  
proceedings after being given legal custody of the child; 12618

(4) If the child has no suitable member of the child's 12619  
extended family to accept legal custody of the child and no 12620  
suitable nonrelative is available to accept legal custody of the 12621  
child and, if the child temporarily cannot or should not be placed 12622  
with the child's parents, guardian, or custodian, the child should 12623  
be placed in the temporary custody of a public children services 12624  
agency or a private child placing agency; 12625

(5) If the child cannot be placed with either of the child's 12626  
parents within a reasonable period of time or should not be placed 12627  
with either, if no suitable member of the child's extended family 12628  
or suitable nonrelative is available to accept legal custody of 12629

the child, and if the agency has a reasonable expectation of placing the child for adoption, the child should be committed to the permanent custody of the public children services agency or private child placing agency;

(6) If the child is to be placed for adoption or foster care, the placement shall not be delayed or denied on the basis of the child's or adoptive or foster family's race, color, or national origin.

(I) The case plan for a child in temporary custody shall include at a minimum the following requirements if the child is or has been the victim of abuse or neglect or if the child witnessed the commission in the child's household of abuse or neglect against a sibling of the child, a parent of the child, or any other person in the child's household:

(1) A requirement that the child's parents, guardian, or custodian participate in mandatory counseling;

(2) A requirement that the child's parents, guardian, or custodian participate in any supportive services that are required by or provided pursuant to the child's case plan.

(J) A (1) Prior to January 1, 2023, a case plan for a child in temporary custody may include, as a supplement, a plan for locating a permanent family placement. The supplement shall not be considered part of the case plan for purposes of division (E) of this section.

(2) On and after January 1, 2023, a case plan for a child in temporary custody shall include a permanency plan for the child unless it is documented that such a plan would not be in the best interest of the child. The permanency plan shall describe the services the agency shall provide to achieve permanency for the child if reasonable efforts to return the child to the child's home, or eliminate the continued removal from that home, are

unsuccessful. Those services shall be provided concurrently with 12661  
reasonable efforts to return the child home or eliminate the 12662  
child's continued removal from home. 12663

(3) The director of job and family services, pursuant to 12664  
Chapter 119. of the Revised Code, shall adopt rules necessary to 12665  
carry out the purposes of division (J) of this section. 12666

(K)(1) A public children services agency may request that the 12667  
superintendent of the bureau of criminal identification and 12668  
investigation conduct a criminal records check with respect to a 12669  
parent, guardian, custodian, prospective custodian, or prospective 12670  
placement whose actions result in a finding after the filing of a 12671  
complaint as described in division (A)(1) of this section that a 12672  
child is an abused, neglected, or dependent child. The public 12673  
children services agency shall request that the superintendent 12674  
obtain information from the federal bureau of investigation as 12675  
part of the criminal records check. 12676

(2) At any time on or after the date that is ninety days 12677  
after ~~the effective date of this amendment~~ September 10, 2012, a 12678  
prosecuting attorney, or an assistant prosecuting attorney 12679  
appointed under section 309.06 of the Revised Code, may request 12680  
that the superintendent of the bureau of criminal identification 12681  
and investigation conduct a criminal records check with respect to 12682  
each parent, guardian, custodian, prospective custodian, or 12683  
prospective placement whose actions resulted in a finding after 12684  
the filing of a complaint described in division (A)(1) of this 12685  
section that a child is an abused, neglected, or dependent child. 12686  
Each prosecuting attorney or assistant prosecuting attorney who 12687  
makes such a request shall request that the superintendent obtain 12688  
information from the federal bureau of investigation as part of 12689  
the criminal records check for each parent, guardian, custodian, 12690  
prospective custodian, or prospective placement who is a subject 12691  
of the request. 12692

(3) A public children services agency, prosecuting attorney, 12693  
or assistant prosecuting attorney that requests a criminal records 12694  
check under division (K)(1) or (2) of this section shall do both 12695  
of the following: 12696

(a) Provide to each parent, guardian, custodian, prospective 12697  
custodian, or prospective placement for whom a criminal records 12698  
check is requested a copy of the form prescribed pursuant to 12699  
division (C)(1) of section 109.572 of the Revised Code and a 12700  
standard fingerprint impression sheet prescribed pursuant to 12701  
division (C)(2) of that section and obtain the completed form and 12702  
impression sheet from the parent, guardian, custodian, prospective 12703  
custodian, or prospective placement; 12704

(b) Forward the completed form and impression sheet to the 12705  
superintendent of the bureau of criminal identification and 12706  
investigation. 12707

(4) A parent, guardian, custodian, prospective custodian, or 12708  
prospective placement who is given a form and fingerprint 12709  
impression sheet under division (K)(3)(a) of this section and who 12710  
fails to complete the form or provide fingerprint impressions may 12711  
be held in contempt of court. 12712

**Sec. 2151.416.** (A) Each agency that is required by section 12713  
2151.412 of the Revised Code to prepare a case plan for a child 12714  
shall complete a semiannual administrative review of the case plan 12715  
no later than six months after the earlier of the date on which 12716  
the complaint in the case was filed or the child was first placed 12717  
in shelter care. After the first administrative review, the agency 12718  
shall complete semiannual administrative reviews no later than 12719  
every six months. If the court issues an order pursuant to section 12720  
2151.414 or 2151.415 of the Revised Code, the agency shall 12721  
complete an administrative review no later than six months after 12722  
the court's order and continue to complete administrative reviews 12723

no later than every six months after the first review, except that 12724  
the court hearing held pursuant to section 2151.417 of the Revised 12725  
Code may take the place of any administrative review that would 12726  
otherwise be held at the time of the court hearing. When 12727  
conducting a review, the child's health and safety shall be the 12728  
paramount concern. 12729

(B) Each administrative review required by division (A) of 12730  
this section shall be conducted by a review panel of at least 12731  
three persons, including, but not limited to, both of the 12732  
following: 12733

(1) A caseworker with day-to-day responsibility for, or 12734  
familiarity with, the management of the child's case plan; 12735

(2) A person who is not responsible for the management of the 12736  
child's case plan or for the delivery of services to the child or 12737  
the parents, guardian, or custodian of the child. 12738

(C) Each semiannual administrative review shall include, but 12739  
not be limited to, a joint meeting by the review panel with the 12740  
parents, guardian, or custodian of the child, the guardian ad 12741  
litem of the child, and the child's foster care provider and shall 12742  
include an opportunity for those persons to submit any written 12743  
materials to be included in the case record of the child. If a 12744  
parent, guardian, custodian, guardian ad litem, or foster care 12745  
provider of the child cannot be located after reasonable efforts 12746  
to do so or declines to participate in the administrative review 12747  
after being contacted, the agency does not have to include them in 12748  
the joint meeting. 12749

(D) The agency shall prepare a written summary of the 12750  
semiannual administrative review that shall include, but not be 12751  
limited to, all of the following: 12752

(1) A conclusion regarding the safety and appropriateness of 12753  
the child's foster care placement; 12754

(2) The extent of the compliance with the case plan of all parties;	12755 12756
(3) The extent of progress that has been made toward alleviating the circumstances that required the agency to assume temporary custody of the child;	12757 12758 12759
(4) An estimated date by which the child may be returned to and safely maintained in the child's home or placed for adoption or legal custody;	12760 12761 12762
(5) An updated case plan that includes any changes that the agency is proposing in the case plan;	12763 12764
(6) The recommendation of the agency as to which agency or person should be given custodial rights over the child for the six-month period after the administrative review;	12765 12766 12767
(7) The names of all persons who participated in the administrative review;	12768 12769
<u>(8) A summary of the agency's intensive efforts to secure a placement with an appropriate and willing kinship caregiver as defined in section 5101.85 of the Revised Code, including any use of search technology to find biological family members of the child and all other efforts undertaken since the last review, unless a court has determined that intensive efforts are unnecessary pursuant to section 2151.4118 of the Revised Code.</u>	12770 12771 12772 12773 12774 12775 12776
(E) The agency shall file the summary with the court no later than seven days after the completion of the administrative review. If the agency proposes a change to the case plan as a result of the administrative review, the agency shall file the proposed change with the court at the time it files the summary. The agency shall give notice of the summary and proposed change in writing before the end of the next day after filing them to all parties and the child's guardian ad litem. All parties and the guardian ad litem shall have seven days after the date the notice is sent to	12777 12778 12779 12780 12781 12782 12783 12784 12785

object to and request a hearing on the proposed change. 12786

(1) If the court receives a timely request for a hearing, the 12787  
court shall schedule a hearing pursuant to section 2151.417 of the 12788  
Revised Code to be held not later than thirty days after the court 12789  
receives the request. The court shall give notice of the date, 12790  
time, and location of the hearing to all parties and the guardian 12791  
ad litem. The agency may implement the proposed change after the 12792  
hearing, if the court approves it. The agency shall not implement 12793  
the proposed change unless it is approved by the court. 12794

(2) If the court does not receive a timely request for a 12795  
hearing, the court may approve the proposed change without a 12796  
hearing. If the court approves the proposed change without a 12797  
hearing, it shall journalize the case plan with the change not 12798  
later than fourteen days after the change is filed with the court. 12799  
If the court does not approve the proposed change to the case 12800  
plan, it shall schedule a review hearing to be held pursuant to 12801  
section 2151.417 of the Revised Code no later than thirty days 12802  
after the expiration of the fourteen-day time period and give 12803  
notice of the date, time, and location of the hearing to all 12804  
parties and the guardian ad litem of the child. If, despite the 12805  
requirements of this division and division (D) of section 2151.417 12806  
of the Revised Code, the court neither approves and journalizes 12807  
the proposed change nor conducts a hearing, the agency may 12808  
implement the proposed change not earlier than fifteen days after 12809  
it is submitted to the court. 12810

(F) The director of job and family services may adopt rules 12811  
pursuant to Chapter 119. of the Revised Code for procedures and 12812  
standard forms for conducting administrative reviews pursuant to 12813  
this section. 12814

(G) The juvenile court that receives the written summary of 12815  
the administrative review, upon determining, either from the 12816  
written summary, case plan, or otherwise, that the custody or care 12817

arrangement is not in the best interest of the child, may 12818  
terminate the custody of an agency and place the child in the 12819  
custody of another institution or association certified by the 12820  
department of job and family services under section 5103.03 of the 12821  
Revised Code. 12822

Sec. 2151.4115. (A) As used in sections 2151.4116 to 12823  
2151.4122 of the Revised Code: 12824

(1) "Kinship caregiver" has the same meaning as used in 12825  
section 5101.85 of the Revised Code. 12826

(2) "Search technology" means any locate-and-research tool, 12827  
search engine, electronic database, or social media search tool 12828  
available to a public children services agency or a private child 12829  
placing agency. 12830

Sec. 2151.4116. A public children services agency or private 12831  
child placing agency shall make intensive efforts to identify and 12832  
engage an appropriate and willing kinship caregiver for the care 12833  
of a child who is in one of following: 12834

(A) Temporary custody of the agency; 12835

(B) A planned permanent living arrangement with the agency. 12836

Sec. 2151.4117. (A) At every court hearing regarding a child 12837  
described in section 2151.4116 of the Revised Code, the court 12838  
shall determine whether the public children services agency or 12839  
private child placing agency has continued intensive efforts to 12840  
identify and engage appropriate and willing kinship caregivers for 12841  
the child. 12842

(B) At each hearing the court shall: 12843

(1) Review the placement of the child to determine if the 12844  
child is receiving care in the home of a kinship caregiver; 12845

(2) Review the efforts of the agency since the previous hearing to place the child with a kinship caregiver in accordance with section 2151.33 of the Revised Code, including efforts to utilize search technology to find biological family members for the child; 12846  
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(3) Review any previous court order issued under section 2151.4118 of the Revised Code to determine if the order should continue based on the child's current placement situation. 12851  
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**Sec. 2151.4118.** A court may issue an order that determines, with respect to a child described in section 2151.4116 of the Revised Code who is not receiving care in the home of a kinship caregiver, that the continuation of the child's current placement is in the child's best interest and that intensive efforts to identify and engage an appropriate and willing kinship caregiver for the child are unnecessary if the court makes the findings in section 2151.4119 of the Revised Code. 12854  
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**Sec. 2151.4119.** A court may issue an order under section 2151.4118 of the Revised Code if it finds all of the following: 12862  
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(A) The child has been living in a stable home environment with the child's current caregivers for the past twelve consecutive months. 12864  
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(B) The current caregivers have expressed interest in providing permanency for the child. 12867  
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(C) The removal of the child from the current caregivers would be detrimental to the child's emotional well-being. 12869  
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**Sec. 2151.4120.** If a court makes the findings under section 2151.4119 of the Revised Code, the court and public children services agency or private child placing agency may consider the child's current caregiver as having a kin relationship with the 12871  
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child and at an equal standing to other kin in regards to 12875  
permanency. 12876

Sec. 2151.4121. If a relative who received the required 12877  
notice pursuant to section 2151.33 of the Revised Code fails 12878  
within six months from the date of receipt to demonstrate interest 12879  
in and willingness to provide a permanent home for a child, a 12880  
court may excuse the public children services agency or private 12881  
child placing agency from considering such relative for placement 12882  
if the court has issued an order under section 2151.4119 of the 12883  
Revised Code. 12884

Sec. 2151.4122. Nothing in sections 2151.4115 to 2151.4121 of 12885  
the Revised Code shall be construed to prevent a public children 12886  
services agency or private child placement agency from continuing 12887  
to search or consider kinship caregivers. 12888

Sec. 2151.451. (A) The juvenile court of the county in, to 12889  
which either of the following applies regarding an emancipated 12890  
young adult described under division (A)(1) of section 5101.1411 12891  
of the Revised Code ~~resides shall have,~~ may exercise 12892  
jurisdiction over the emancipated young adult for purposes of sections 2151.45 12893  
to 2151.455 of the Revised Code: 12894

(1) The county in which the emancipated young adult resides; 12895

(2) The county in which the emancipated young adult resided 12896  
when the custody, arrangement, or care and placement described in 12897  
division (A)(3)(a) of section 5101.141 of the Revised Code 12898  
terminated. 12899

(B) A juvenile court, on its own motion or the motion of any 12900  
party, may transfer a proceeding under these sections 2151.45 to 12901  
2151.455 of the Revised Code to a juvenile court with jurisdiction 12902  
as provided in this section. 12903

**Sec. 2151.452.** A juvenile court shall do both of the 12904  
following regarding an emancipated young adult described under 12905  
division (A)(1) of section 5101.1411 of the Revised Code: 12906

(A) Not later than one hundred eighty days after the 12907  
voluntary participation agreement becomes effective, make a 12908  
determination as to whether the emancipated young adult's best 12909  
interest is served by continuing the care and placement with the 12910  
department of job and family services or its representative. ~~An~~ 12911  
~~emancipated young adult shall not be eligible for continued care~~ 12912  
~~and placement if the court finds it is not in the emancipated~~ 12913  
~~young adult's best interest.~~ 12914

(B) Not later than twelve months after the effective date 12915  
~~that~~ of the voluntary participation agreement ~~is signed~~, and 12916  
~~annually at least once every twelve months~~ thereafter, make a 12917  
determination ~~as to whether~~ that the department or its 12918  
representative has made reasonable efforts ~~have been made to~~ 12919  
finalize a permanency plan to prepare the emancipated young adult 12920  
for independence. 12921

**Sec. 2151.453.** If any determination required under ~~division~~ 12922  
~~(B)~~ of section 2151.452 of the Revised Code is not timely made, 12923  
the federal payments for foster care under division (A)(1) of 12924  
section 5101.1411 of the Revised Code for the emancipated young 12925  
adult shall be suspended. The payments shall resume upon a 12926  
subsequent determination that reasonable efforts have been made to 12927  
prepare the emancipated young adult for independence, but only if 12928  
both of the following apply: 12929

(A) The emancipated young adult complies with division (A)(1) 12930  
of section 5101.1411 of the Revised Code. 12931

(B) There has been a timely determination of best interest 12932  
under division (A) of section 2151.452 of the Revised Code. 12933

<b>Sec. 2743.01.</b> As used in this chapter:	12934
(A) "State" means the state of Ohio, including, but not limited to, the general assembly, the supreme court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state. "State" does not include political subdivisions.	12935 12936 12937 12938 12939 12940
(B) "Political subdivisions" means municipal corporations, townships, counties, school districts, and all other bodies corporate and politic responsible for governmental activities only in geographic areas smaller than that of the state to which the sovereign immunity of the state attaches.	12941 12942 12943 12944 12945
(C) "Claim for an award of reparations" or "claim" means a claim for an award of reparations made under sections 2743.51 to 2743.72 of the Revised Code.	12946 12947 12948
(D) "Award of reparations" or "award" means an award made under sections 2743.51 to 2743.72 of the Revised Code.	12949 12950
(E)(1) "Public duty" includes, but is not limited to, any statutory, regulatory, or assumed duty concerning any action or omission of the state involving any of the following:	12951 12952 12953
(a) Permitting, certifying, licensing, inspecting, investigating, supervising, regulating, auditing, monitoring, law enforcement, <del>or</del> emergency response activity, <u>or compromising claims</u> ;	12954 12955 12956 12957
(b) Supervising, rehabilitating, or liquidating corporations or other business entities.	12958 12959
(2) "Public duty" does not include any action of the state under circumstances in which a special relationship can be established between the state and an injured party as provided in division (A)(3) of section 2743.02 of the Revised Code.	12960 12961 12962 12963

**Sec. 2743.02.** (A)(1) The state hereby waives its immunity 12964  
from liability, except as provided for the office of the state 12965  
fire marshal in division (G)(1) of section 9.60 and division (B) 12966  
of section 3737.221 of the Revised Code and subject to division 12967  
(H) of this section, and consents to be sued, and have its 12968  
liability determined, in the court of claims created in this 12969  
chapter in accordance with the same rules of law applicable to 12970  
suits between private parties, except that the determination of 12971  
liability is subject to the limitations set forth in this chapter 12972  
and, in the case of state universities or colleges, in section 12973  
3345.40 of the Revised Code, and except as provided in division 12974  
(A)(2) or (3) of this section. To the extent that the state has 12975  
previously consented to be sued, this chapter has no 12976  
applicability. 12977

Except in the case of a civil action filed by the state, 12978  
filing a civil action in the court of claims results in a complete 12979  
waiver of any cause of action, based on the same act or omission, 12980  
that the filing party has against any officer or employee, as 12981  
defined in section 109.36 of the Revised Code. The waiver shall be 12982  
void if the court determines that the act or omission was 12983  
manifestly outside the scope of the officer's or employee's office 12984  
or employment or that the officer or employee acted with malicious 12985  
purpose, in bad faith, or in a wanton or reckless manner. 12986

(2) If a claimant proves in the court of claims that an 12987  
officer or employee, as defined in section 109.36 of the Revised 12988  
Code, would have personal liability for the officer's or 12989  
employee's acts or omissions but for the fact that the officer or 12990  
employee has personal immunity under section 9.86 of the Revised 12991  
Code, the state shall be held liable in the court of claims in any 12992  
action that is timely filed pursuant to section 2743.16 of the 12993  
Revised Code and that is based upon the acts or omissions. 12994

(3)(a) Except as provided in division (A)(3)(b) of this section, the state is immune from liability in any civil action or proceeding involving the performance or nonperformance of a public duty, including the performance or nonperformance of a public duty that is owed by the state in relation to any action of an individual who is committed to the custody of the state.

(b) The state immunity provided in division (A)(3)(a) of this section does not apply to any action of the state under circumstances in which a special relationship can be established between the state and an injured party. A special relationship under this division is demonstrated if all of the following elements exist:

(i) An assumption by the state, by means of promises or actions, of an affirmative duty to act on behalf of the party who was allegedly injured;

(ii) Knowledge on the part of the state's agents that inaction of the state could lead to harm;

(iii) Some form of direct contact between the state's agents and the injured party;

(iv) The injured party's justifiable reliance on the state's affirmative undertaking.

(B) The state hereby waives the immunity from liability of all hospitals owned or operated by one or more political subdivisions and consents for them to be sued, and to have their liability determined, in the court of common pleas, in accordance with the same rules of law applicable to suits between private parties, subject to the limitations set forth in this chapter. This division is also applicable to hospitals owned or operated by political subdivisions that have been determined by the supreme court to be subject to suit prior to July 28, 1975.

(C) Any hospital, as defined in section 2305.113 of the

Revised Code, may purchase liability insurance covering its 13026  
operations and activities and its agents, employees, nurses, 13027  
interns, residents, staff, and members of the governing board and 13028  
committees, and, whether or not such insurance is purchased, may, 13029  
to the extent that its governing board considers appropriate, 13030  
indemnify or agree to indemnify and hold harmless any such person 13031  
against expense, including attorney's fees, damage, loss, or other 13032  
liability arising out of, or claimed to have arisen out of, the 13033  
death, disease, or injury of any person as a result of the 13034  
negligence, malpractice, or other action or inaction of the 13035  
indemnified person while acting within the scope of the 13036  
indemnified person's duties or engaged in activities at the 13037  
request or direction, or for the benefit, of the hospital. Any 13038  
hospital electing to indemnify those persons, or to agree to so 13039  
indemnify, shall reserve any funds that are necessary, in the 13040  
exercise of sound and prudent actuarial judgment, to cover the 13041  
potential expense, fees, damage, loss, or other liability. The 13042  
superintendent of insurance may recommend, or, if the hospital 13043  
requests the superintendent to do so, the superintendent shall 13044  
recommend, a specific amount for any period that, in the 13045  
superintendent's opinion, represents such a judgment. This 13046  
authority is in addition to any authorization otherwise provided 13047  
or permitted by law. 13048

(D) Recoveries against the state shall be reduced by the 13049  
aggregate of insurance proceeds, disability award, or other 13050  
collateral recovery ~~received by~~ that the claimant receives or is 13051  
entitled to. This division does not apply to civil actions in the 13052  
court of claims against a state university or college under the 13053  
circumstances described in section 3345.40 of the Revised Code. 13054  
The collateral benefits provisions of division (B)(2) of that 13055  
section apply under those circumstances. 13056

(E) The only defendant in original actions in the court of 13057

claims is the state. The state may file a third-party complaint or 13058  
counterclaim in any civil action, except a civil action for ten 13059  
thousand dollars or less, that is filed in the court of claims. 13060

(F) A civil action against an officer or employee, as defined 13061  
in section 109.36 of the Revised Code, that alleges that the 13062  
officer's or employee's conduct was manifestly outside the scope 13063  
of the officer's or employee's employment or official 13064  
responsibilities, or that the officer or employee acted with 13065  
malicious purpose, in bad faith, or in a wanton or reckless manner 13066  
shall first be filed against the state in the court of claims that 13067  
has exclusive, original jurisdiction to determine, initially, 13068  
whether the officer or employee is entitled to personal immunity 13069  
under section 9.86 of the Revised Code and whether the courts of 13070  
common pleas have jurisdiction over the civil action. The officer 13071  
or employee may participate in the immunity determination 13072  
proceeding before the court of claims to determine whether the 13073  
officer or employee is entitled to personal immunity under section 13074  
9.86 of the Revised Code. 13075

The filing of a claim against an officer or employee under 13076  
this division tolls the running of the applicable statute of 13077  
limitations until the court of claims determines whether the 13078  
officer or employee is entitled to personal immunity under section 13079  
9.86 of the Revised Code. 13080

(G) If a claim lies against an officer or employee who is a 13081  
member of the Ohio national guard, and the officer or employee 13082  
was, at the time of the act or omission complained of, subject to 13083  
the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 U.S.C. 13084  
2671, et seq., the Federal Tort Claims Act is the exclusive remedy 13085  
of the claimant and the state has no liability under this section. 13086

(H) If an inmate of a state correctional institution has a 13087  
claim against the state for the loss of or damage to property and 13088  
the amount claimed does not exceed three hundred dollars, before 13089

commencing an action against the state in the court of claims, the 13090  
inmate shall file a claim for the loss or damage under the rules 13091  
adopted by the director of rehabilitation and correction pursuant 13092  
to this division. The inmate shall file the claim within the time 13093  
allowed for commencement of a civil action under section 2743.16 13094  
of the Revised Code. If the state admits or compromises the claim, 13095  
the director shall make payment from a fund designated by the 13096  
director for that purpose. If the state denies the claim or does 13097  
not compromise the claim at least sixty days prior to expiration 13098  
of the time allowed for commencement of a civil action based upon 13099  
the loss or damage under section 2743.16 of the Revised Code, the 13100  
inmate may commence an action in the court of claims under this 13101  
chapter to recover damages for the loss or damage. 13102

The director of rehabilitation and correction shall adopt 13103  
rules pursuant to Chapter 119. of the Revised Code to implement 13104  
this division. 13105

**Sec. 2743.15.** (A) The director or other administrative chief, 13106  
or the governing body, of any department, board, office, 13107  
commission, agency, institution, or other instrumentality of the 13108  
state, ~~with:~~ 13109

(1) With the approval of the attorney general and the court 13110  
of claims, may settle or compromise any civil action against the 13111  
state insofar as the department, board, office, commission, 13112  
agency, institution, or other instrumentality is named as a 13113  
defendant; 13114

(2) Shall notify the office of risk management in the 13115  
department of administrative services of any settlement or 13116  
compromise to allow for the proper reservation of funds. 13117

(B) The acceptance by the claimant of any such compromise or 13118  
settlement shall be final and conclusive on the claimant and is a 13119  
complete release of the civil action against the state insofar as 13120

the particular department, board, office, commission, agency, 13121  
institution, or other instrumentality is named, or could be named, 13122  
as a defendant. A compromise or settlement that requires the 13123  
payment of money by the state may be implemented and enforced, 13124  
insofar as the payment of money is concerned, only through the 13125  
procedure specified in section 2743.19 of the Revised Code, which 13126  
shall be commenced by the attorney general forwarding a clerk's 13127  
certified copy of the settlement instrument to the director of 13128  
budget and management. A copy of the settlement instrument of 13129  
actions involving the office of risk management in the department 13130  
of administrative services shall be forwarded to the office of 13131  
risk management for payment via the risk management reserve fund 13132  
created in section 9.823 of the Revised Code. 13133

No interest of any kind, including any kind set forth in 13134  
sections 2743.18 and 2743.19 of the Revised Code, is allowed on 13135  
any compromise or settlement of any civil action against the state 13136  
under this section. 13137

The authority of the department of administrative services to 13138  
compromise claims does not extend to other statutory and agency 13139  
programs with direct settlement authority, including activities by 13140  
the department of transportation, inmate property actions 13141  
described in division (H) of section 2743.02 of the Revised Code, 13142  
and wrongful imprisonment actions provided for in section 2743.48 13143  
of the Revised Code. 13144

**Sec. 2743.16.** (A) Subject to division (B) of this section, 13145  
civil actions against the state permitted by sections 2743.01 to 13146  
2743.20 of the Revised Code shall be commenced no later than two 13147  
years after the date of accrual of the cause of action or within 13148  
any shorter period that is applicable to similar suits between 13149  
private parties. 13150

(B) If a person suffers injury, death, or loss to person or 13151

property from the operation of an automobile, truck, motor vehicle 13152  
with auxiliary equipment, self propelling equipment or trailer, 13153  
aircraft, or watercraft by an officer or employee of the state 13154  
while engaged in the course of his employment or official 13155  
responsibilities for the state, as contemplated in sections 9.821 13156  
to 9.83 of the Revised Code, the person or the representative of 13157  
that person or of the estate of that person shall attempt, prior 13158  
to the commencement of an action based upon that injury, death, or 13159  
loss, to have the claim based upon that injury, death, or loss 13160  
compromised by the state office of risk management in the 13161  
department of administrative services or satisfied by the state's 13162  
liability insurance. No action for any such claim shall be filed 13163  
in the court of claims until the person, the representative of 13164  
that person, or the estate of the person asserting the claim has 13165  
complied with this division. Any compromise by the office of risk 13166  
management shall be paid from the risk management reserve fund 13167  
created in section 9.823 of the Revised Code. The acceptance by 13168  
the claimant of any such compromise or settlement shall be final 13169  
and conclusive on the person or representative of the person or 13170  
the person's estate and is a complete release against the state 13171  
insofar as the particular department, board, office, commission, 13172  
agency, institution, or other instrumentality is named, or could 13173  
be named, as a defendant and results in a complete waiver of any 13174  
cause of action, based on the same act or omission, that the 13175  
person or representative of the person or the person's estate has 13176  
against any officer or employee, as defined in section 109.36 of 13177  
the Revised Code. 13178

If the state, upon a request of the person or of ~~his or his~~ 13179  
~~estate's~~ the representative of the person or the person's estate 13180  
to compromise such a claim, does not compromise the claim within a 13181  
reasonable time after the request is made and at least sixty days 13182  
prior to the expiration of the applicable period of limitations 13183  
for commencement of an action based upon the injury, death, or 13184

loss, or if the amount of the claim is in excess of the state's 13185  
liability insurance coverage, the person or ~~his or his estate's~~ 13186  
the representative of the person or the person's estate may 13187  
commence an action in the court of claims under this chapter to 13188  
recover the claim or the unpaid amount of the claim from the 13189  
state. Neither the person nor ~~his or his estate's~~ the 13190  
representative of the person or the person's estate shall commence 13191  
an action against the officer or employee to recover damages for 13192  
the injury, death, or loss until after ~~he~~ the person or 13193  
representative commences the action in the court of claims against 13194  
the state and the action in that court is terminated. If the court 13195  
of claims determines that the state is not liable for the injury, 13196  
death, or loss ~~caused by the officer's or employee's operation of~~ 13197  
~~the automobile, truck, motor vehicle with auxiliary equipment,~~ 13198  
~~self-propelling equipment or trailer, aircraft, or watercraft,~~ the 13199  
person or ~~his or his estate's~~ the representative of the person or 13200  
the person's estate is not prohibited by this division from 13201  
commencing an action against the officer or employee to recover 13202  
the claim or the unpaid amount of the claim based upon the injury, 13203  
death, or loss. Nothing in this division shall affect the immunity 13204  
of any state officer or employee pursuant to section 9.86 of the 13205  
Revised Code. 13206

If a person or his or his estate's representative attempts, 13207  
pursuant to this division, to have a claim compromised by the 13208  
state or satisfied by the state's liability insurance, and if the 13209  
state determines not to compromise the claim, the state's 13210  
liability insurance will not cover the claim, or the claim is in 13211  
excess of the state's liability insurance coverage, then the state 13212  
shall so notify the person or his or his estate's representative 13213  
in writing. The notice shall be provided as soon as possible after 13214  
the state determines not to compromise the claim or it is 13215  
determined that the state's liability insurance will not cover 13216  
either the claim or the entire claim. 13217

(C) All summaries, reports, and records received and maintained by the office of risk management in the department of administrative services in connection with claims against the state are not public records, shall be held in confidence, shall not be released, and shall not be subject to discovery or introduction in evidence in any federal or state civil action. 13218  
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(D)(1) The period of limitations prescribed by division (A) of this section shall be tolled pursuant to section 2305.16 of the Revised Code. 13224  
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(2) If a person suffers injury, death, or loss to person or property ~~from the operation of an automobile, truck, motor vehicle with auxiliary equipment, self-propelling equipment or trailer, aircraft, or watercraft by an officer or employee of the state while engaged in the course of his employment or official responsibilities for the state~~ contemplated by sections 9.82 to 9.83 of the Revised Code, if the person or ~~his or his estate's~~ the representative of the person or the person's estate is required by division (B) of this section to attempt to have the claim based upon the injury, death, or loss compromised by the state or satisfied by the state's liability insurance prior to commencing an action based upon the injury, death, or loss, and if the person or ~~his or his estate's~~ the representative of the person or the person's estate complies with that division prior to the expiration of the applicable period of limitations prescribed by division (A) of this section for the commencement of an action in the court of claims based upon that injury, death, or loss, the period of time commencing with the submission of the claim to the state for the purposes of compromise or liability insurance satisfaction and ending with the state's compromise of the claim, the satisfaction of the claim by the state's liability insurance, or the provision of the written notice described in division (B) of this section shall not be computed as any part of the period 13227  
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within which an action based upon that injury, death, or loss must be brought.

(3) If a person or ~~his or his estate's~~ the representative of a person or a person's estate commences an action to recover a claim, or the unpaid amount of a claim, against the state in the court of claims and that claim arises out of ~~the operation of an automobile, truck, motor vehicle with auxiliary equipment, self-propelling equipment or trailer, aircraft, or watercraft by an officer or employee of the state while engaged in the course of his employment or official responsibilities for the state~~ an injury, death, or loss contemplated by sections 9.82 to 9.83 of the Revised Code, the statute of limitations on the claim against the officer or employee shall not run during any time when the action against the state is pending in the court of claims.

**Sec. 2743.19.** (A) In rendering a judgment against the state, the court of claims shall determine and specify in the judgment the department, office, commission, board, agency, institution, or other instrumentality of the state against which a determination of liability has been made. The court of claims shall award compensation for fees to a prevailing party in an action under this chapter in accordance with section 2335.39 of the Revised Code.

(B) No execution shall issue against the state or any department, board, office, commission, agency, institution, or other instrumentality of the state upon any judgment for the payment of money.

(C) Judgments shall be accomplished only through the following procedure, which may be enforced by writ of mandamus directed to the appropriate official:

(1) The clerk of the court of claims shall forward a certified copy of the judgment to the director of budget and

management and the attorney general or the officer who signed the 13281  
investigative report for the department, office, commission, 13282  
board, agency, institution, or other instrumentality of the state 13283  
against which a determination of liability has been made. If the 13284  
judgment requires payment from the risk management reserve fund 13285  
created in section 9.823 of the Revised Code, a final signed copy 13286  
of the judgment shall be forwarded to the office of risk 13287  
management in the department of administrative services for 13288  
payment. 13289

(2) The expense of a judgment paid, plus interest at the same 13290  
rate that is applicable to judgments rendered against private 13291  
parties to a suit as specified in section 1343.03 of the Revised 13292  
Code and for the number of days determined pursuant to division 13293  
(B)(1) or (2) of section 2743.18 of the Revised Code, shall be 13294  
charged by the director of budget and management against available 13295  
unencumbered moneys in the appropriations to whichever state 13296  
departments, boards, offices, commissions, agencies, institutions, 13297  
or other instrumentalities are named in the judgment. The director 13298  
of budget and management shall have sole discretion to determine 13299  
whether or not unencumbered moneys in a particular appropriation 13300  
are available for satisfaction of a judgment. 13301

(3) The director of budget and management, upon receipt of 13302  
the certified copy of the judgment from the clerk of the court of 13303  
claims pursuant to division (C)(1) of this section, shall provide 13304  
for payment of the judgment creditor in the amount of the judgment 13305  
certified by the clerk of the court of claims, plus interest. 13306

(4) If the director of budget and management determines that 13307  
sufficient unencumbered moneys do not exist in the particular 13308  
appropriations to pay the judgment and interest, the director may 13309  
make application for payment of the judgment and interest out of 13310  
the emergency purposes account or another appropriation for 13311  
emergencies or contingencies. 13312

(5) If moneys in the emergency purposes account or another 13313  
appropriation for emergencies or contingencies are not used to pay 13314  
the judgment and interest, the director of budget and management 13315  
shall request the general assembly to make an appropriation 13316  
sufficient to pay the judgment and interest, and no payment shall 13317  
be made until the appropriation has been made. The appropriate 13318  
state department, board, office, commission, agency, institution, 13319  
or other instrumentality shall make this appropriation request 13320  
during the current biennium and during each succeeding biennium 13321  
until a sufficient appropriation is made. 13322

(6) If the judgment is against any department, board, office, 13323  
commission, agency, institution, or other instrumentality of the 13324  
state whose funds are not handled by the director of budget and 13325  
management, the instrumentality against which the judgment is 13326  
made, within sixty days after the date of the judgment, shall pay 13327  
the judgment creditor in the amount of the judgment plus interest 13328  
at the same rate that is applicable to judgments rendered against 13329  
private parties to a suit as specified in section 1343.03 of the 13330  
Revised Code and for the number of days determined pursuant to 13331  
division (B)(1) or (2) of section 2743.18 of the Revised Code. 13332

(D) No judgment shall be forwarded by the clerk of the court 13333  
of claims to the director of budget and management until all 13334  
appeals have been determined and all rights to appeal have been 13335  
exhausted, except as otherwise provided in this section. If a 13336  
party to a civil action against the state appeals from only a 13337  
portion of a judgment and if a remaining portion provides for the 13338  
payment of money by the state, a certified copy of the judgment 13339  
and a copy of the notice of appeal shall be forwarded to the 13340  
director, and that part of the judgment calling for the payment of 13341  
money by the state and not a subject of the appeal shall be 13342  
processed for payment as described in this section. 13343

**Sec. 2903.213.** (A) Except when the complaint involves a 13344  
person who is a family or household member as defined in section 13345  
2919.25 of the Revised Code, upon the filing of a complaint that 13346  
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 13347  
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 13348  
a municipal ordinance substantially similar to section 2903.13, 13349  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 13350  
the commission of a sexually oriented offense, the complainant, 13351  
the alleged victim, or a family or household member of an alleged 13352  
victim may file a motion that requests the issuance of a 13353  
protection order as a pretrial condition of release of the alleged 13354  
offender, in addition to any bail set under Criminal Rule 46. The 13355  
motion shall be filed with the clerk of the court that has 13356  
jurisdiction of the case at any time after the filing of the 13357  
complaint. If the complaint involves a person who is a family or 13358  
household member, the complainant, the alleged victim, or the 13359  
family or household member may file a motion for a temporary 13360  
protection order pursuant to section 2919.26 of the Revised Code. 13361

(B) A motion for a protection order under this section shall 13362  
be prepared on a form that is provided by the clerk of the court, 13363  
and the form shall be substantially as follows: 13364

"Motion for Protection Order 13365  
..... 13366  
Name and address of court 13367

State of Ohio 13368

v. No. .... 13369

..... 13370

Name of Defendant 13371

(Name of person), moves the court to issue a protection order 13372  
containing terms designed to ensure the safety and protection of 13373  
the complainant or the alleged victim in the above-captioned case, 13374

in relation to the named defendant, pursuant to its authority to issue a protection order under section 2903.213 of the Revised Code.

A complaint, a copy of which has been attached to this motion, has been filed in this court charging the named defendant with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of a municipal ordinance substantially similar to section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or the commission of a sexually oriented offense.

I understand that I must appear before the court, at a time set by the court not later than the next day that the court is in session after the filing of this motion, for a hearing on the motion, and that any protection order granted pursuant to this motion is a pretrial condition of release and is effective only until the disposition of the criminal proceeding arising out of the attached complaint or until the issuance under section 2903.214 of the Revised Code of a protection order arising out of the same activities as those that were the basis of the attached complaint.

.....

Signature of person

.....

Address of person"

(C)(1) As soon as possible after the filing of a motion that requests the issuance of a protection order under this section, but not later than the next day that the court is in session after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion.

If the court finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a protection order under this section, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant or the alleged victim, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim. The court may include within a protection order issued under this section a term requiring that the alleged offender not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the complainant or the alleged victim, and may include within the order a term authorizing the complainant or the alleged victim to remove a companion animal owned by the complainant or the alleged victim from the possession of the alleged offender.

(2)(a) If the court issues a protection order under this section that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim, the order shall clearly state that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant, the alleged victim, or a family or household member to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the complainant, the alleged victim, or a family or household member.

(b) Division (C)(2)(a) of this section does not limit any discretion of a court to determine that an alleged offender charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based

on an alleged violation of a protection order issued under this 13438  
section, did not commit the violation or was not in contempt of 13439  
court. 13440

(D)(1) Except when the complaint involves a person who is a 13441  
family or household member as defined in section 2919.25 of the 13442  
Revised Code, upon the filing of a complaint that alleges a 13443  
violation specified in division (A) of this section, the court, 13444  
upon its own motion, may issue a protection order under this 13445  
section as a pretrial condition of release of the alleged offender 13446  
if it finds that the safety and protection of the complainant or 13447  
the alleged victim may be impaired by the continued presence of 13448  
the alleged offender. 13449

(2) If the court issues a protection order under this section 13450  
as an ex parte order, it shall conduct, as soon as possible after 13451  
the issuance of the order but not later than the next day that the 13452  
court is in session after its issuance, a hearing to determine 13453  
whether the order should remain in effect, be modified, or be 13454  
revoked. The hearing shall be conducted under the standards set 13455  
forth in division (C) of this section. 13456

(3) If a municipal court or a county court issues a 13457  
protection order under this section and if, subsequent to the 13458  
issuance of the order, the alleged offender who is the subject of 13459  
the order is bound over to the court of common pleas for 13460  
prosecution of a felony arising out of the same activities as 13461  
those that were the basis of the complaint upon which the order is 13462  
based, notwithstanding the fact that the order was issued by a 13463  
municipal court or county court, the order shall remain in effect, 13464  
as though it were an order of the court of common pleas, while the 13465  
charges against the alleged offender are pending in the court of 13466  
common pleas, for the period of time described in division (E)(2) 13467  
of this section, and the court of common pleas has exclusive 13468  
jurisdiction to modify the order issued by the municipal court or 13469

county court. This division applies when the alleged offender is 13470  
bound over to the court of common pleas as a result of the person 13471  
waiving a preliminary hearing on the felony charge, as a result of 13472  
the municipal court or county court having determined at a 13473  
preliminary hearing that there is probable cause to believe that 13474  
the felony has been committed and that the alleged offender 13475  
committed it, as a result of the alleged offender having been 13476  
indicted for the felony, or in any other manner. 13477

(E) A protection order that is issued as a pretrial condition 13478  
of release under this section: 13479

(1) Is in addition to, but shall not be construed as a part 13480  
of, any bail set under Criminal Rule 46; 13481

(2) Is effective only until the disposition, by the court 13482  
that issued the order or, in the circumstances described in 13483  
division (D)(3) of this section, by the court of common pleas to 13484  
which the alleged offender is bound over for prosecution, of the 13485  
criminal proceeding arising out of the complaint upon which the 13486  
order is based or until the issuance under section 2903.214 of the 13487  
Revised Code of a protection order arising out of the same 13488  
activities as those that were the basis of the complaint filed 13489  
under this section; 13490

(3) Shall not be construed as a finding that the alleged 13491  
offender committed the alleged offense and shall not be introduced 13492  
as evidence of the commission of the offense at the trial of the 13493  
alleged offender on the complaint upon which the order is based. 13494

(F) A person who meets the criteria for bail under Criminal 13495  
Rule 46 and who, if required to do so pursuant to that rule, 13496  
executes or posts bond or deposits cash or securities as bail, 13497  
shall not be held in custody pending a hearing before the court on 13498  
a motion requesting a protection order under this section. 13499

(G)(1) A copy of a protection order that is issued under this 13500

section shall be issued by the court to the complainant, to the 13501  
alleged victim, to the person who requested the order, to the 13502  
defendant, and to all law enforcement agencies that have 13503  
jurisdiction to enforce the order. The protection order shall be 13504  
transmitted by the clerk of the court to the appropriate law 13505  
enforcement agency for entry into the protection order database of 13506  
the national crime information center (NCIC) maintained by the 13507  
federal bureau of investigation. The court shall direct that a 13508  
copy of the order be delivered to the defendant on the same day 13509  
that the order is entered. If a municipal court or a county court 13510  
issues a protection order under this section and if, subsequent to 13511  
the issuance of the order, the defendant who is the subject of the 13512  
order is bound over to the court of common pleas for prosecution 13513  
as described in division (D)(3) of this section, the municipal 13514  
court or county court shall direct that a copy of the order be 13515  
delivered to the court of common pleas to which the defendant is 13516  
bound over. If the court that issued the order, or the court of 13517  
common pleas if the defendant is bound over to that court for 13518  
prosecution, terminates or cancels the order, the clerk of the 13519  
court shall cause the delivery of notice of the termination or 13520  
cancellation to the same persons and entities that were delivered 13521  
a copy of the order and the court shall issue the removal order 13522  
described in this division to the appropriate law enforcement 13523  
agency. 13524

The court that issued the order shall file with the clerk of 13525  
the court each protection order issued pursuant to this section 13526  
and the clerk shall transmit the order to the appropriate law 13527  
enforcement agency to be entered into the law enforcement 13528  
automated data system created by section 5503.10 of the Revised 13529  
Code, and known as LEADS, by the close of the next business day 13530  
after the day on which the court issues the order. Upon the 13531  
termination or cancellation of the order, the court that issued 13532  
the order, or the court of common pleas if the defendant is bound 13533

over to that court for prosecution, shall order the appropriate 13534  
law enforcement agency to remove the order from the LEADS database 13535  
by the close of the next business day after the day on which the 13536  
termination or cancellation of the order occurred and shall ensure 13537  
that the order is terminated, cleared, or canceled in the 13538  
protection order database of the national crime information center 13539  
(NCIC) maintained by the federal bureau of investigation. 13540

(2) All law enforcement agencies shall establish and maintain 13541  
an index for the protection orders delivered to the agencies 13542  
pursuant to division (G)(1) of this section. With respect to each 13543  
order delivered, each agency shall note on the index the date and 13544  
time of the agency's receipt of the order. 13545

(3) Regardless of whether the petitioner has registered the 13546  
protection order in the county in which the officer's agency has 13547  
jurisdiction, any officer of a law enforcement agency shall 13548  
enforce a protection order issued pursuant to this section in 13549  
accordance with the provisions of the order. 13550

(H) Upon a violation of a protection order issued pursuant to 13551  
this section, the court may issue another protection order under 13552  
this section, as a pretrial condition of release, that modifies 13553  
the terms of the order that was violated. 13554

(I)(1) Subject to division (I)(2) of this section and 13555  
regardless of whether a protection order is issued or a consent 13556  
agreement is approved by a court of another county or by a court 13557  
of another state, no court or unit of state or local government 13558  
shall charge the movant any fee, cost, deposit, or money in 13559  
connection with the filing of a motion pursuant to this section, 13560  
in connection with the filing, issuance, registration, 13561  
modification, enforcement, dismissal, withdrawal, or service of a 13562  
protection order, consent agreement, or witness subpoena or for 13563  
obtaining certified copies of a protection order or consent 13564  
agreement. 13565

(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, if the defendant is convicted the court may assess costs against the defendant in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(J) As used in this section:

(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(2) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.

**Sec. 2903.214.** (A) As used in this section:

(1) "Court" means the court of common pleas of the county in which the person to be protected by the protection order resides.

(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.

(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.

(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.

(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(6) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.

(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.

(B) The court has jurisdiction over all proceedings under

this section. 13595

(C) A person may seek relief under this section for the 13596  
person, or any parent or adult household member may seek relief 13597  
under this section on behalf of any other family or household 13598  
member, by filing a petition with the court. The petition shall 13599  
contain or state all of the following: 13600

(1) An allegation that the respondent is eighteen years of 13601  
age or older and engaged in a violation of section 2903.211 of the 13602  
Revised Code against the person to be protected by the protection 13603  
order or committed a sexually oriented offense against the person 13604  
to be protected by the protection order, including a description 13605  
of the nature and extent of the violation; 13606

(2) If the petitioner seeks relief in the form of electronic 13607  
monitoring of the respondent, an allegation that at any time 13608  
preceding the filing of the petition the respondent engaged in 13609  
conduct that would cause a reasonable person to believe that the 13610  
health, welfare, or safety of the person to be protected was at 13611  
risk, a description of the nature and extent of that conduct, and 13612  
an allegation that the respondent presents a continuing danger to 13613  
the person to be protected; 13614

(3) A request for relief under this section. 13615

(D)(1) If a person who files a petition pursuant to this 13616  
section requests an ex parte order, the court shall hold an ex 13617  
parte hearing as soon as possible after the petition is filed, but 13618  
not later than the next day that the court is in session after the 13619  
petition is filed. The court, for good cause shown at the ex parte 13620  
hearing, may enter any temporary orders, with or without bond, 13621  
that the court finds necessary for the safety and protection of 13622  
the person to be protected by the order. Immediate and present 13623  
danger to the person to be protected by the protection order 13624  
constitutes good cause for purposes of this section. Immediate and 13625

present danger includes, but is not limited to, situations in 13626  
which the respondent has threatened the person to be protected by 13627  
the protection order with bodily harm or in which the respondent 13628  
previously has been convicted of or pleaded guilty to a violation 13629  
of section 2903.211 of the Revised Code or a sexually oriented 13630  
offense against the person to be protected by the protection 13631  
order. 13632

(2)(a) If the court, after an ex parte hearing, issues a 13633  
protection order described in division (E) of this section, the 13634  
court shall schedule a full hearing for a date that is within ten 13635  
court days after the ex parte hearing. The court shall give the 13636  
respondent notice of, and an opportunity to be heard at, the full 13637  
hearing. The court shall hold the full hearing on the date 13638  
scheduled under this division unless the court grants a 13639  
continuance of the hearing in accordance with this division. Under 13640  
any of the following circumstances or for any of the following 13641  
reasons, the court may grant a continuance of the full hearing to 13642  
a reasonable time determined by the court: 13643

(i) Prior to the date scheduled for the full hearing under 13644  
this division, the respondent has not been served with the 13645  
petition filed pursuant to this section and notice of the full 13646  
hearing. 13647

(ii) The parties consent to the continuance. 13648

(iii) The continuance is needed to allow a party to obtain 13649  
counsel. 13650

(iv) The continuance is needed for other good cause. 13651

(b) An ex parte order issued under this section does not 13652  
expire because of a failure to serve notice of the full hearing 13653  
upon the respondent before the date set for the full hearing under 13654  
division (D)(2)(a) of this section or because the court grants a 13655  
continuance under that division. 13656

(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.

(E)(1)(a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order, including, but not limited to, a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member. If the court includes a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member in the order, it also shall include in the order provisions of the type described in division (E)(5) of this section. The court may include within a protection order issued under this section a term requiring that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected by the order, and may include within the order a term authorizing the person to be protected by the order to remove a companion animal owned by the person to be protected by the order from the possession of the respondent.

(b) After a full hearing, if the court considering a petition that includes an allegation of the type described in division (C)(2) of this section, or the court upon its own motion, finds upon clear and convincing evidence that the petitioner reasonably believed that the respondent's conduct at any time preceding the filing of the petition endangered the health, welfare, or safety of the person to be protected and that the respondent presents a continuing danger to the person to be protected, the court may

order that the respondent be electronically monitored for a period 13689  
of time and under the terms and conditions that the court 13690  
determines are appropriate. Electronic monitoring shall be in 13691  
addition to any other relief granted to the petitioner. 13692

(2)(a) Any protection order issued pursuant to this section 13693  
shall be valid until a date certain but not later than five years 13694  
from the date of its issuance. 13695

(b) Any protection order issued pursuant to this section may 13696  
be renewed in the same manner as the original order was issued. 13697

(3) A court may not issue a protection order that requires a 13698  
petitioner to do or to refrain from doing an act that the court 13699  
may require a respondent to do or to refrain from doing under 13700  
division (E)(1) of this section unless all of the following apply: 13701

(a) The respondent files a separate petition for a protection 13702  
order in accordance with this section. 13703

(b) The petitioner is served with notice of the respondent's 13704  
petition at least forty-eight hours before the court holds a 13705  
hearing with respect to the respondent's petition, or the 13706  
petitioner waives the right to receive this notice. 13707

(c) If the petitioner has requested an ex parte order 13708  
pursuant to division (D) of this section, the court does not delay 13709  
any hearing required by that division beyond the time specified in 13710  
that division in order to consolidate the hearing with a hearing 13711  
on the petition filed by the respondent. 13712

(d) After a full hearing at which the respondent presents 13713  
evidence in support of the request for a protection order and the 13714  
petitioner is afforded an opportunity to defend against that 13715  
evidence, the court determines that the petitioner has committed a 13716  
violation of section 2903.211 of the Revised Code against the 13717  
person to be protected by the protection order issued pursuant to 13718  
division (E)(3) of this section, has committed a sexually oriented 13719

offense against the person to be protected by the protection order 13720  
issued pursuant to division (E)(3) of this section, or has 13721  
violated a protection order issued pursuant to section 2903.213 of 13722  
the Revised Code relative to the person to be protected by the 13723  
protection order issued pursuant to division (E)(3) of this 13724  
section. 13725

(4) No protection order issued pursuant to this section shall 13726  
in any manner affect title to any real property. 13727

(5)(a) If the court issues a protection order under this 13728  
section that includes a requirement that the alleged offender 13729  
refrain from entering the residence, school, business, or place of 13730  
employment of the petitioner or a family or household member, the 13731  
order shall clearly state that the order cannot be waived or 13732  
nullified by an invitation to the alleged offender from the 13733  
complainant to enter the residence, school, business, or place of 13734  
employment or by the alleged offender's entry into one of those 13735  
places otherwise upon the consent of the petitioner or family or 13736  
household member. 13737

(b) Division (E)(5)(a) of this section does not limit any 13738  
discretion of a court to determine that an alleged offender 13739  
charged with a violation of section 2919.27 of the Revised Code, 13740  
with a violation of a municipal ordinance substantially equivalent 13741  
to that section, or with contempt of court, which charge is based 13742  
on an alleged violation of a protection order issued under this 13743  
section, did not commit the violation or was not in contempt of 13744  
court. 13745

(F)(1) The court shall cause the delivery of a copy of any 13746  
protection order that is issued under this section to the 13747  
petitioner, to the respondent, and to all law enforcement agencies 13748  
that have jurisdiction to enforce the order. The protection order 13749  
shall be transmitted by the clerk of the court to the appropriate 13750  
law enforcement agency for entry into the protection order 13751

database of the national crime information center (NCIC) 13752  
maintained by the federal bureau of investigation. The court shall 13753  
direct that a copy of the order be delivered to the respondent on 13754  
the same day that the order is entered. If the court terminates or 13755  
cancels the order, the clerk of the court shall cause the delivery 13756  
of notice of the termination or cancellation to the same persons 13757  
and entities that were delivered a copy of the order and the court 13758  
shall issue the removal order described in this division to the 13759  
appropriate law enforcement agency. 13760

The court shall file with the clerk of the court each 13761  
protection order issued pursuant to this section and the clerk 13762  
shall transmit the order to the appropriate law enforcement agency 13763  
to be entered into the law enforcement automated data system 13764  
created by section 5503.10 of the Revised Code, and known as 13765  
LEADS, by the close of the next business day after the day on 13766  
which the court issues the order. Upon the termination or 13767  
cancellation of the order, the court shall order the appropriate 13768  
law enforcement agency to remove the order from the LEADS database 13769  
by the close of the next business day after the day on which the 13770  
termination or cancellation of the order occurred and shall ensure 13771  
that the order is terminated, cleared, or canceled in the 13772  
protection order database of the national crime information center 13773  
(NCIC) maintained by the federal bureau of investigation. 13774

(2) Upon the issuance of a protection order under this 13775  
section, the court shall provide the parties to the order with the 13776  
following notice orally or by form: 13777

"NOTICE 13778

As a result of this order, it may be unlawful for you to 13779  
possess or purchase a firearm, including a rifle, pistol, or 13780  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 13781  
922(g)(8) for the duration of this order. If you have any 13782  
questions whether this law makes it illegal for you to possess or 13783

purchase a firearm or ammunition, you should consult an attorney." 13784

(3) All law enforcement agencies shall establish and maintain 13785  
an index for the protection orders delivered to the agencies 13786  
pursuant to division (F)(1) of this section. With respect to each 13787  
order delivered, each agency shall note on the index the date and 13788  
time that it received the order. 13789

(4) Regardless of whether the petitioner has registered the 13790  
protection order in the county in which the officer's agency has 13791  
jurisdiction pursuant to division (M) of this section, any officer 13792  
of a law enforcement agency shall enforce a protection order 13793  
issued pursuant to this section by any court in this state in 13794  
accordance with the provisions of the order, including removing 13795  
the respondent from the premises, if appropriate. 13796

(G)(1) Any proceeding under this section shall be conducted 13797  
in accordance with the Rules of Civil Procedure, except that a 13798  
protection order may be obtained under this section with or 13799  
without bond. An order issued under this section, other than an ex 13800  
parte order, that grants a protection order, or that refuses to 13801  
grant a protection order, is a final, appealable order. The 13802  
remedies and procedures provided in this section are in addition 13803  
to, and not in lieu of, any other available civil or criminal 13804  
remedies. 13805

(2) If as provided in division (G)(1) of this section an 13806  
order issued under this section, other than an ex parte order, 13807  
refuses to grant a protection order, the court, on its own motion, 13808  
shall order that the ex parte order issued under this section and 13809  
all of the records pertaining to that ex parte order be sealed 13810  
after either of the following occurs: 13811

(a) No party has exercised the right to appeal pursuant to 13812  
Rule 4 of the Rules of Appellate Procedure. 13813

(b) All appellate rights have been exhausted. 13814

(H) The filing of proceedings under this section does not 13815  
excuse a person from filing any report or giving any notice 13816  
required by section 2151.421 of the Revised Code or by any other 13817  
law. 13818

(I) Any law enforcement agency that investigates an alleged 13819  
violation of section 2903.211 of the Revised Code or an alleged 13820  
commission of a sexually oriented offense shall provide 13821  
information to the victim and the family or household members of 13822  
the victim regarding the relief available under this section and 13823  
section 2903.213 of the Revised Code. 13824

(J)(1) Subject to division (J)(2) of this section and 13825  
regardless of whether a protection order is issued or a consent 13826  
agreement is approved by a court of another county or by a court 13827  
of another state, no court or unit of state or local government 13828  
shall charge the petitioner any fee, cost, deposit, or money in 13829  
connection with the filing of a petition pursuant to this section, 13830  
in connection with the filing, issuance, registration, 13831  
modification, enforcement, dismissal, withdrawal, or service of a 13832  
protection order, consent agreement, or witness subpoena or for 13833  
obtaining a certified copy of a protection order or consent 13834  
agreement. 13835

(2) Regardless of whether a protection order is issued or a 13836  
consent agreement is approved pursuant to this section, the court 13837  
may assess costs against the respondent in connection with the 13838  
filing, issuance, registration, modification, enforcement, 13839  
dismissal, withdrawal, or service of a protection order, consent 13840  
agreement, or witness subpoena or for obtaining a certified copy 13841  
of a protection order or consent agreement. 13842

(K)(1) A person who violates a protection order issued under 13843  
this section is subject to the following sanctions: 13844

(a) Criminal prosecution for a violation of section 2919.27 13845

of the Revised Code, if the violation of the protection order 13846  
constitutes a violation of that section; 13847

(b) Punishment for contempt of court. 13848

(2) The punishment of a person for contempt of court for 13849  
violation of a protection order issued under this section does not 13850  
bar criminal prosecution of the person for a violation of section 13851  
2919.27 of the Revised Code. However, a person punished for 13852  
contempt of court is entitled to credit for the punishment imposed 13853  
upon conviction of a violation of that section, and a person 13854  
convicted of a violation of that section shall not subsequently be 13855  
punished for contempt of court arising out of the same activity. 13856

(L) In all stages of a proceeding under this section, a 13857  
petitioner may be accompanied by a victim advocate. 13858

(M)(1) A petitioner who obtains a protection order under this 13859  
section or a protection order under section 2903.213 of the 13860  
Revised Code may provide notice of the issuance or approval of the 13861  
order to the judicial and law enforcement officials in any county 13862  
other than the county in which the order is issued by registering 13863  
that order in the other county pursuant to division (M)(2) of this 13864  
section and filing a copy of the registered order with a law 13865  
enforcement agency in the other county in accordance with that 13866  
division. A person who obtains a protection order issued by a 13867  
court of another state may provide notice of the issuance of the 13868  
order to the judicial and law enforcement officials in any county 13869  
of this state by registering the order in that county pursuant to 13870  
section 2919.272 of the Revised Code and filing a copy of the 13871  
registered order with a law enforcement agency in that county. 13872

(2) A petitioner may register a protection order issued 13873  
pursuant to this section or section 2903.213 of the Revised Code 13874  
in a county other than the county in which the court that issued 13875  
the order is located in the following manner: 13876

(a) The petitioner shall obtain a certified copy of the order 13877  
from the clerk of the court that issued the order and present that 13878  
certified copy to the clerk of the court of common pleas or the 13879  
clerk of a municipal court or county court in the county in which 13880  
the order is to be registered. 13881

(b) Upon accepting the certified copy of the order for 13882  
registration, the clerk of the court of common pleas, municipal 13883  
court, or county court shall place an endorsement of registration 13884  
on the order and give the petitioner a copy of the order that 13885  
bears that proof of registration. 13886

(3) The clerk of each court of common pleas, municipal court, 13887  
or county court shall maintain a registry of certified copies of 13888  
protection orders that have been issued by courts in other 13889  
counties pursuant to this section or section 2903.213 of the 13890  
Revised Code and that have been registered with the clerk. 13891

(N)(1) If the court orders electronic monitoring of the 13892  
respondent under this section, the court shall direct the 13893  
sheriff's office or any other appropriate law enforcement agency 13894  
to install the electronic monitoring device and to monitor the 13895  
respondent. Unless the court determines that the respondent is 13896  
indigent, the court shall order the respondent to pay the cost of 13897  
the installation and monitoring of the electronic monitoring 13898  
device. If the court determines that the respondent is indigent 13899  
and subject to the maximum amount allowable to be paid in any year 13900  
from the fund and the rules promulgated by the attorney general 13901  
under division (N)(2) of this section, the cost of the 13902  
installation and monitoring of the electronic monitoring device 13903  
may be paid out of funds from the reparations fund created 13904  
pursuant to section 2743.191 of the Revised Code. The total amount 13905  
of costs for the installation and monitoring of electronic 13906  
monitoring devices paid pursuant to this division and sections 13907  
2151.34 and 2919.27 of the Revised Code from the reparations fund 13908

shall not exceed three hundred thousand dollars per year. 13909

(2) The attorney general may promulgate rules pursuant to 13910  
section 111.15 of the Revised Code to govern payments made from 13911  
the reparations fund pursuant to this division and sections 13912  
2151.34 and 2919.27 of the Revised Code. The rules may include 13913  
reasonable limits on the total cost paid pursuant to this division 13914  
and sections 2151.34 and 2919.27 of the Revised Code per 13915  
respondent, the amount of the three hundred thousand dollars 13916  
allocated to each county, and how invoices may be submitted by a 13917  
county, court, or other entity. 13918

**Sec. 2919.26.** (A)(1) Upon the filing of a complaint that 13919  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 13920  
2911.211 of the Revised Code if the alleged victim of the 13921  
violation was a family or household member at the time of the 13922  
violation, a violation of a municipal ordinance that is 13923  
substantially similar to any of those sections if the alleged 13924  
victim of the violation was a family or household member at the 13925  
time of the violation, any offense of violence if the alleged 13926  
victim of the offense was a family or household member at the time 13927  
of the commission of the offense, or any sexually oriented offense 13928  
if the alleged victim of the offense was a family or household 13929  
member at the time of the commission of the offense, the 13930  
complainant, the alleged victim, or a family or household member 13931  
of an alleged victim may file, or, if in an emergency the alleged 13932  
victim is unable to file, a person who made an arrest for the 13933  
alleged violation or offense under section 2935.03 of the Revised 13934  
Code may file on behalf of the alleged victim, a motion that 13935  
requests the issuance of a temporary protection order as a 13936  
pretrial condition of release of the alleged offender, in addition 13937  
to any bail set under Criminal Rule 46. The motion shall be filed 13938  
with the clerk of the court that has jurisdiction of the case at 13939  
any time after the filing of the complaint. 13940

(2) For purposes of section 2930.09 of the Revised Code, all stages of a proceeding arising out of a complaint alleging the commission of a violation, offense of violence, or sexually oriented offense described in division (A)(1) of this section, including all proceedings on a motion for a temporary protection order, are critical stages of the case, and a victim may be accompanied by a victim advocate or another person to provide support to the victim as provided in that section.

(B) The motion shall be prepared on a form that is provided by the clerk of the court, which form shall be substantially as follows:

"MOTION FOR TEMPORARY PROTECTION ORDER

..... Court

Name and address of court

State of Ohio

v.

No. ....

.....

Name of Defendant

(name of person), moves the court to issue a temporary protection order containing terms designed to ensure the safety and protection of the complainant, alleged victim, and other family or household members, in relation to the named defendant, pursuant to its authority to issue such an order under section 2919.26 of the Revised Code.

A complaint, a copy of which has been attached to this motion, has been filed in this court charging the named defendant with ..... (name of the specified violation, the offense of violence, or sexually oriented offense charged) in circumstances in which the victim was a family or household member in violation of (section of the Revised Code designating the specified violation, offense of violence, or sexually oriented

offense charged), or charging the named defendant with a violation 13972  
of a municipal ordinance that is substantially similar to 13973  
..... (section of the Revised Code designating 13974  
the specified violation, offense of violence, or sexually oriented 13975  
offense charged) involving a family or household member. 13976

I understand that I must appear before the court, at a time 13977  
set by the court within twenty-four hours after the filing of this 13978  
motion, for a hearing on the motion or that, if I am unable to 13979  
appear because of hospitalization or a medical condition resulting 13980  
from the offense alleged in the complaint, a person who can 13981  
provide information about my need for a temporary protection order 13982  
must appear before the court in lieu of my appearing in court. I 13983  
understand that any temporary protection order granted pursuant to 13984  
this motion is a pretrial condition of release and is effective 13985  
only until the disposition of the criminal proceeding arising out 13986  
of the attached complaint, or the issuance of a civil protection 13987  
order or the approval of a consent agreement, arising out of the 13988  
same activities as those that were the basis of the complaint, 13989  
under section 3113.31 of the Revised Code. 13990

..... 13991

Signature of person 13992

(or signature of the arresting officer who filed the motion on 13993  
behalf of the alleged victim) 13994

..... 13995

Address of person (or office address of the arresting officer who 13996  
filed the motion on behalf of the alleged victim)" 13997

(C)(1) As soon as possible after the filing of a motion that 13998  
requests the issuance of a temporary protection order, but not 13999  
later than twenty-four hours after the filing of the motion, the 14000  
court shall conduct a hearing to determine whether to issue the 14001  
order. The person who requested the order shall appear before the 14002

court and provide the court with the information that it requests 14003  
concerning the basis of the motion. If the person who requested 14004  
the order is unable to appear and if the court finds that the 14005  
failure to appear is because of the person's hospitalization or 14006  
medical condition resulting from the offense alleged in the 14007  
complaint, another person who is able to provide the court with 14008  
the information it requests may appear in lieu of the person who 14009  
requested the order. If the court finds that the safety and 14010  
protection of the complainant, alleged victim, or any other family 14011  
or household member of the alleged victim may be impaired by the 14012  
continued presence of the alleged offender, the court may issue a 14013  
temporary protection order, as a pretrial condition of release, 14014  
that contains terms designed to ensure the safety and protection 14015  
of the complainant, alleged victim, or the family or household 14016  
member, including a requirement that the alleged offender refrain 14017  
from entering the residence, school, business, or place of 14018  
employment of the complainant, alleged victim, or the family or 14019  
household member. The court may include within a protection order 14020  
issued under this section a term requiring that the alleged 14021  
offender not remove, damage, hide, harm, or dispose of any 14022  
companion animal owned or possessed by the complainant, alleged 14023  
victim, or any other family or household member of the alleged 14024  
victim, and may include within the order a term authorizing the 14025  
complainant, alleged victim, or other family or household member 14026  
of the alleged victim to remove a companion animal owned by the 14027  
complainant, alleged victim, or other family or household member 14028  
from the possession of the alleged offender. 14029

(2)(a) If the court issues a temporary protection order that 14030  
includes a requirement that the alleged offender refrain from 14031  
entering the residence, school, business, or place of employment 14032  
of the complainant, the alleged victim, or the family or household 14033  
member, the order shall state clearly that the order cannot be 14034  
waived or nullified by an invitation to the alleged offender from 14035

the complainant, alleged victim, or family or household member to 14036  
enter the residence, school, business, or place of employment or 14037  
by the alleged offender's entry into one of those places otherwise 14038  
upon the consent of the complainant, alleged victim, or family or 14039  
household member. 14040

(b) Division (C)(2)(a) of this section does not limit any 14041  
discretion of a court to determine that an alleged offender 14042  
charged with a violation of section 2919.27 of the Revised Code, 14043  
with a violation of a municipal ordinance substantially equivalent 14044  
to that section, or with contempt of court, which charge is based 14045  
on an alleged violation of a temporary protection order issued 14046  
under this section, did not commit the violation or was not in 14047  
contempt of court. 14048

(D)(1) Upon the filing of a complaint that alleges a 14049  
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 14050  
Revised Code if the alleged victim of the violation was a family 14051  
or household member at the time of the violation, a violation of a 14052  
municipal ordinance that is substantially similar to any of those 14053  
sections if the alleged victim of the violation was a family or 14054  
household member at the time of the violation, any offense of 14055  
violence if the alleged victim of the offense was a family or 14056  
household member at the time of the commission of the offense, or 14057  
any sexually oriented offense if the alleged victim of the offense 14058  
was a family or household member at the time of the commission of 14059  
the offense, the court, upon its own motion, may issue a temporary 14060  
protection order as a pretrial condition of release if it finds 14061  
that the safety and protection of the complainant, alleged victim, 14062  
or other family or household member of the alleged offender may be 14063  
impaired by the continued presence of the alleged offender. 14064

(2) If the court issues a temporary protection order under 14065  
this section as an ex parte order, it shall conduct, as soon as 14066  
possible after the issuance of the order, a hearing in the 14067

presence of the alleged offender not later than the next day on 14068  
which the court is scheduled to conduct business after the day on 14069  
which the alleged offender was arrested or at the time of the 14070  
appearance of the alleged offender pursuant to summons to 14071  
determine whether the order should remain in effect, be modified, 14072  
or be revoked. The hearing shall be conducted under the standards 14073  
set forth in division (C) of this section. 14074

(3) An order issued under this section shall contain only 14075  
those terms authorized in orders issued under division (C) of this 14076  
section. 14077

(4) If a municipal court or a county court issues a temporary 14078  
protection order under this section and if, subsequent to the 14079  
issuance of the order, the alleged offender who is the subject of 14080  
the order is bound over to the court of common pleas for 14081  
prosecution of a felony arising out of the same activities as 14082  
those that were the basis of the complaint upon which the order is 14083  
based, notwithstanding the fact that the order was issued by a 14084  
municipal court or county court, the order shall remain in effect, 14085  
as though it were an order of the court of common pleas, while the 14086  
charges against the alleged offender are pending in the court of 14087  
common pleas, for the period of time described in division (E)(2) 14088  
of this section, and the court of common pleas has exclusive 14089  
jurisdiction to modify the order issued by the municipal court or 14090  
county court. This division applies when the alleged offender is 14091  
bound over to the court of common pleas as a result of the person 14092  
waiving a preliminary hearing on the felony charge, as a result of 14093  
the municipal court or county court having determined at a 14094  
preliminary hearing that there is probable cause to believe that 14095  
the felony has been committed and that the alleged offender 14096  
committed it, as a result of the alleged offender having been 14097  
indicted for the felony, or in any other manner. 14098

(E) A temporary protection order that is issued as a pretrial 14099

condition of release under this section: 14100

(1) Is in addition to, but shall not be construed as a part 14101  
of, any bail set under Criminal Rule 46; 14102

(2) Is effective only until the occurrence of either of the 14103  
following: 14104

(a) The disposition, by the court that issued the order or, 14105  
in the circumstances described in division (D)(4) of this section, 14106  
by the court of common pleas to which the alleged offender is 14107  
bound over for prosecution, of the criminal proceeding arising out 14108  
of the complaint upon which the order is based; 14109

(b) The issuance of a protection order or the approval of a 14110  
consent agreement, arising out of the same activities as those 14111  
that were the basis of the complaint upon which the order is 14112  
based, under section 3113.31 of the Revised Code. 14113

(3) Shall not be construed as a finding that the alleged 14114  
offender committed the alleged offense, and shall not be 14115  
introduced as evidence of the commission of the offense at the 14116  
trial of the alleged offender on the complaint upon which the 14117  
order is based. 14118

(F) A person who meets the criteria for bail under Criminal 14119  
Rule 46 and who, if required to do so pursuant to that rule, 14120  
executes or posts bond or deposits cash or securities as bail, 14121  
shall not be held in custody pending a hearing before the court on 14122  
a motion requesting a temporary protection order. 14123

(G)(1) A copy of any temporary protection order that is 14124  
issued under this section shall be issued by the court to the 14125  
complainant, to the alleged victim, to the person who requested 14126  
the order, to the defendant, and to all law enforcement agencies 14127  
that have jurisdiction to enforce the order. The protection order 14128  
shall be transmitted by the clerk of the court to the appropriate 14129  
law enforcement agency for entry into the protection order 14130

database of the national crime information center (NCIC) 14131  
maintained by the federal bureau of investigation. The court shall 14132  
direct that a copy of the order be delivered to the defendant on 14133  
the same day that the order is entered. If a municipal court or a 14134  
county court issues a temporary protection order under this 14135  
section and if, subsequent to the issuance of the order, the 14136  
defendant who is the subject of the order is bound over to the 14137  
court of common pleas for prosecution as described in division 14138  
(D)(4) of this section, the municipal court or county court shall 14139  
direct that a copy of the order be delivered to the court of 14140  
common pleas to which the defendant is bound over. If the court 14141  
that issued the order, or the court of common pleas if the 14142  
defendant is bound over to that court for prosecution, terminates 14143  
or cancels the order, the clerk of the court shall cause the 14144  
delivery of notice of the termination or cancellation to the same 14145  
persons and entities that were issued or delivered a copy of the 14146  
order and the court shall issue the removal order described in 14147  
this division to the appropriate law enforcement agency. 14148

The court that issued the order shall file with the clerk of 14149  
the court each protection order issued pursuant to this section 14150  
and the clerk shall transmit the order to the appropriate law 14151  
enforcement agency to be entered into the law enforcement 14152  
automated data system created by section 5503.10 of the Revised 14153  
Code, and known as LEADS, by the close of the next business day 14154  
after the day on which the court issues the order. Upon the 14155  
termination or cancellation of the order, the court that issued 14156  
the order, or the court of common pleas if the defendant is bound 14157  
over to that court for prosecution, shall order the appropriate 14158  
law enforcement agency to remove the order from the LEADS database 14159  
by the close of the next business day after the day on which the 14160  
termination or cancellation of the order occurred and shall ensure 14161  
that the order is terminated, cleared, or canceled in the 14162  
protection order database of the national crime information center 14163

(NCIC) maintained by the federal bureau of investigation. 14164

(2) Upon the issuance of a protection order under this 14165  
section, the court shall provide the parties to the order with the 14166  
following notice orally or by form: 14167

"NOTICE 14168

As a result of this protection order, it may be unlawful for 14169  
you to possess or purchase a firearm, including a rifle, pistol, 14170  
or revolver, or ammunition pursuant to federal law under 18 U.S.C. 14171  
922(g)(8) for the duration of this order. If you have any 14172  
questions whether this law makes it illegal for you to possess or 14173  
purchase a firearm or ammunition, you should consult an attorney." 14174

(3) All law enforcement agencies shall establish and maintain 14175  
an index for the temporary protection orders delivered to the 14176  
agencies pursuant to division (G)(1) of this section. With respect 14177  
to each order delivered, each agency shall note on the index, the 14178  
date and time of the receipt of the order by the agency. 14179

(4) A complainant, alleged victim, or other person who 14180  
obtains a temporary protection order under this section may 14181  
provide notice of the issuance of the temporary protection order 14182  
to the judicial and law enforcement officials in any county other 14183  
than the county in which the order is issued by registering that 14184  
order in the other county in accordance with division (N) of 14185  
section 3113.31 of the Revised Code and filing a copy of the 14186  
registered protection order with a law enforcement agency in the 14187  
other county in accordance with that division. 14188

(5) Any officer of a law enforcement agency shall enforce a 14189  
temporary protection order issued by any court in this state in 14190  
accordance with the provisions of the order, including removing 14191  
the defendant from the premises, regardless of whether the order 14192  
is registered in the county in which the officer's agency has 14193  
jurisdiction as authorized by division (G)(4) of this section. 14194

(H) Upon a violation of a temporary protection order, the court may issue another temporary protection order, as a pretrial condition of release, that modifies the terms of the order that was violated.

(I)(1) As used in divisions (I)(1) and (2) of this section, "defendant" means a person who is alleged in a complaint to have committed a violation, offense of violence, or sexually oriented offense of the type described in division (A) of this section.

(2) If a complaint is filed that alleges that a person committed a violation, offense of violence, or sexually oriented offense of the type described in division (A) of this section, the court may not issue a temporary protection order under this section that requires the complainant, the alleged victim, or another family or household member of the defendant to do or refrain from doing an act that the court may require the defendant to do or refrain from doing under a temporary protection order unless both of the following apply:

(a) The defendant has filed a separate complaint that alleges that the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act committed a violation or offense of violence of the type described in division (A) of this section.

(b) The court determines that both the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act and the defendant acted primarily as aggressors, that neither the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act nor the defendant acted primarily in self-defense, and, in accordance with the standards and criteria of this section as applied in relation to the separate complaint filed by the defendant, that it should issue the order to require

the complainant, alleged victim, or other family or household member in question to do or refrain from doing the act. 14227  
14228

(J)(1) Subject to division (J)(2) of this section and 14229  
regardless of whether a protection order is issued or a consent 14230  
agreement is approved by a court of another county or a court of 14231  
another state, no court or unit of state or local government shall 14232  
charge the movant any fee, cost, deposit, or money in connection 14233  
with the filing of a motion pursuant to this section, in 14234  
connection with the filing, issuance, registration, modification, 14235  
enforcement, dismissal, withdrawal, or service of a protection 14236  
order, consent agreement, or witness subpoena or for obtaining a 14237  
certified copy of a protection order or consent agreement. 14238

(2) Regardless of whether a protection order is issued or a 14239  
consent agreement is approved pursuant to this section, if the 14240  
defendant is convicted the court may assess costs against the 14241  
defendant in connection with the filing, issuance, registration, 14242  
modification, enforcement, dismissal, withdrawal, or service of a 14243  
protection order, consent agreement, or witness subpoena or for 14244  
obtaining a certified copy of a protection order or consent 14245  
agreement. 14246

(K) As used in this section: 14247

(1) "Companion animal" has the same meaning as in section 14248  
959.131 of the Revised Code. 14249

(2) "Sexually oriented offense" has the same meaning as in 14250  
section 2950.01 of the Revised Code. 14251

(3) "Victim advocate" means a person who provides support and 14252  
assistance for a victim of an offense during court proceedings. 14253

**Sec. 2923.13.** (A) Unless relieved from disability under 14254  
operation of law or legal process, no person shall knowingly 14255  
acquire, have, carry, or use any firearm or dangerous ordnance, if 14256

any of the following apply: 14257

(1) The person is a fugitive from justice. 14258

(2) The person is under indictment for or has been convicted 14259  
of any felony offense of violence or has been adjudicated a 14260  
delinquent child for the commission of an offense that, if 14261  
committed by an adult, would have been a felony offense of 14262  
violence. 14263

(3) The person is under indictment for or has been convicted 14264  
of any felony offense involving the illegal possession, use, sale, 14265  
administration, distribution, or trafficking in any drug of abuse 14266  
or has been adjudicated a delinquent child for the commission of 14267  
an offense that, if committed by an adult, would have been a 14268  
felony offense involving the illegal possession, use, sale, 14269  
administration, distribution, or trafficking in any drug of abuse. 14270

(4) The person is drug dependent, in danger of drug 14271  
dependence, or a chronic alcoholic. 14272

(5) The person is under adjudication of mental incompetence, 14273  
has been adjudicated as a mental defective, has been committed to 14274  
a mental institution, has been found by a court to be a mentally 14275  
ill person subject to court order, or is an involuntary patient 14276  
other than one who is a patient only for purposes of observation. 14277  
As used in this division, "mentally ill person subject to court 14278  
order" and "patient" have the same meanings as in section 5122.01 14279  
of the Revised Code. 14280

(B)(1) Whoever violates this section is guilty of having 14281  
weapons while under disability and shall be punished as provided 14282  
in division (B)(2) or (3) of this section. 14283

(2) Except as otherwise provided in this division, a 14284  
violation of division (A)(1), (3), (4), or (5) of this section is 14285  
a felony of the third degree. If the offender previously has been 14286  
convicted of or pleaded guilty to a violation of division (A)(1), 14287

(2), (3), (4), or (5) of this section, a violation of division (A)(1), (3), (4), or (5) of this section is a felony of the second degree. 14288  
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(3) Except as otherwise provided in this division, a violation of division (A)(2) of this section is a felony of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A)(1), (2), (3), (4), or (5) of this section, a violation of division (A)(2) of this section is a felony of the ~~third~~ first degree. 14291  
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(C) For the purposes of this section, "under operation of law or legal process" shall not itself include mere completion, termination, or expiration of a sentence imposed as a result of a criminal conviction. 14297  
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**Sec. 2923.20.** (A) No person shall do any of the following: 14301

(1) Recklessly sell, lend, give, or furnish any firearm to any person prohibited by section 2923.13 or 2923.15 of the Revised Code from acquiring or using any firearm, or recklessly sell, lend, give, or furnish any dangerous ordnance to any person prohibited by section 2923.13, 2923.15, or 2923.17 of the Revised Code from acquiring or using any dangerous ordnance; 14302  
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(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A) of this section; 14308  
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(3) Except as otherwise provided in division (B) of this section, knowingly solicit, persuade, encourage, or entice a federally licensed firearms dealer or private seller to transfer a firearm or ammunition to any person in a manner prohibited by state or federal law; 14310  
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(4) Except as otherwise provided in division (B) of this section, with an intent to deceive, knowingly provide materially false information to a federally licensed firearms dealer or 14315  
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private seller; 14318

(5) Except as otherwise provided in division (B) of this 14319  
section, knowingly procure, solicit, persuade, encourage, or 14320  
entice a person to act in violation of division (A)(3) or (4) of 14321  
this section; 14322

(6) Manufacture, possess for sale, sell, or furnish to any 14323  
person other than a law enforcement agency for authorized use in 14324  
police work, any brass knuckles, cestus, billy, blackjack, 14325  
sandbag, switchblade knife, springblade knife, gravity knife, or 14326  
similar weapon; 14327

(7) When transferring any dangerous ordnance to another, 14328  
negligently fail to require the transferee to exhibit such 14329  
identification, license, or permit showing the transferee to be 14330  
authorized to acquire dangerous ordnance pursuant to section 14331  
2923.17 of the Revised Code, or negligently fail to take a 14332  
complete record of the transaction and forthwith forward a copy of 14333  
that record to the sheriff of the county or safety director or 14334  
police chief of the municipality where the transaction takes 14335  
place; 14336

(8) Knowingly fail to report to law enforcement authorities 14337  
forthwith the loss or theft of any firearm or dangerous ordnance 14338  
in the person's possession or under the person's control. 14339

(B) Divisions (A)(3), (4), and (5) of this section do not 14340  
apply to any of the following: 14341

(1) A law enforcement officer who is acting within the scope 14342  
of the officer's duties; 14343

(2) A person who is acting in accordance with directions 14344  
given by a law enforcement officer described in division (B)(1) of 14345  
this section. 14346

(C) Whoever violates this section is guilty of unlawful 14347

transactions in weapons. A violation of division (A)(1) or (2) of 14348  
this section is a felony of the ~~fourth~~ third degree. A violation 14349  
of division (A)(3), (4), or (5) of this section is a felony of the 14350  
~~third~~ second degree. A violation of division (A)(6) or (7) of this 14351  
section is a misdemeanor of the second degree. A violation of 14352  
division (A)(8) of this section is a misdemeanor of the fourth 14353  
degree. 14354

(D) As used in this section: 14355

(1) "Ammunition" has the same meaning as in section 2305.401 14356  
of the Revised Code. 14357

(2) "Federally licensed firearms dealer" has the same meaning 14358  
as in section 5502.63 of the Revised Code. 14359

(3) "Materially false information" means information 14360  
regarding the transfer of a firearm or ammunition that portrays an 14361  
illegal transaction as legal or a legal transaction as illegal. 14362

(4) "Private seller" means a person who sells, offers for 14363  
sale, or transfers a firearm or ammunition and who is not a 14364  
federally licensed firearms dealer. 14365

**Sec. 2923.21.** (A) No person shall do any of the following: 14366

(1) Sell any firearm to a person who is under eighteen years 14367  
of age; 14368

(2) Subject to division (B) of this section, sell any handgun 14369  
to a person who is under twenty-one years of age; 14370

(3) Furnish any firearm to a person who is under eighteen 14371  
years of age or, subject to division (B) of this section, furnish 14372  
any handgun to a person who is under twenty-one years of age, 14373  
except for lawful hunting, sporting, or educational purposes, 14374  
including, but not limited to, instruction in firearms or handgun 14375  
safety, care, handling, or marksmanship under the supervision or 14376  
control of a responsible adult; 14377

(4) Sell or furnish a firearm to a person who is eighteen 14378  
years of age or older if the seller or furnisher knows, or has 14379  
reason to know, that the person is purchasing or receiving the 14380  
firearm for the purpose of selling the firearm in violation of 14381  
division (A)(1) of this section to a person who is under eighteen 14382  
years of age or for the purpose of furnishing the firearm in 14383  
violation of division (A)(3) of this section to a person who is 14384  
under eighteen years of age; 14385

(5) Sell or furnish a handgun to a person who is twenty-one 14386  
years of age or older if the seller or furnisher knows, or has 14387  
reason to know, that the person is purchasing or receiving the 14388  
handgun for the purpose of selling the handgun in violation of 14389  
division (A)(2) of this section to a person who is under 14390  
twenty-one years of age or for the purpose of furnishing the 14391  
handgun in violation of division (A)(3) of this section to a 14392  
person who is under twenty-one years of age; 14393

(6) Purchase or attempt to purchase any firearm with the 14394  
intent to sell the firearm in violation of division (A)(1) of this 14395  
section to a person who is under eighteen years of age or with the 14396  
intent to furnish the firearm in violation of division (A)(3) of 14397  
this section to a person who is under eighteen years of age; 14398

(7) Purchase or attempt to purchase any handgun with the 14399  
intent to sell the handgun in violation of division (A)(2) of this 14400  
section to a person who is under twenty-one years of age or with 14401  
the intent to furnish the handgun in violation of division (A)(3) 14402  
of this section to a person who is under twenty-one years of age. 14403

(B) Divisions ~~(A)(1)~~ (A)(2) and ~~(2)~~ (3) of this section do 14404  
not apply to the sale or furnishing of a handgun to a person 14405  
eighteen years of age or older and under twenty-one years of age 14406  
if the person eighteen years of age or older and under twenty-one 14407  
years of age is a law enforcement officer who is properly 14408  
appointed or employed as a law enforcement officer and has 14409

received firearms training approved by the Ohio peace officer 14410  
training council or equivalent firearms training. Divisions (A)(1) 14411  
and (2) of this section do not apply to the sale or furnishing of 14412  
a handgun to an active duty member of the armed forces of the 14413  
United States who has received firearms training that meets or 14414  
exceeds the training requirements described in division (G)(1) of 14415  
section 2923.125 of the Revised Code. 14416

(C) Whoever violates this section is guilty of improperly 14417  
furnishing firearms to a minor, a felony of the ~~fifth~~ third 14418  
degree. 14419

**Sec. 2927.02.** (A) As used in this section ~~and~~, sections 14420  
2927.021 and 2927.022, and sections 2927.025 to 2927.0210 of the 14421  
Revised Code: 14422

(1) "Age verification" means a service provided by an 14423  
independent third party (other than a manufacturer, producer, 14424  
distributor, wholesaler, or retailer of cigarettes, other tobacco 14425  
products, alternative nicotine products, or papers used to roll 14426  
cigarettes) that compares information available from a 14427  
commercially available database, or aggregate of databases, that 14428  
regularly are used by government and businesses for the purpose of 14429  
age and identity verification to personal information provided 14430  
during an internet sale or other remote method of sale to 14431  
establish that the purchaser is twenty-one years of age or older. 14432

(2)(a) "Alternative nicotine product" means, subject to 14433  
division (A)(2)(b) of this section, an electronic smoking device, 14434  
vapor product, or any other product or device that consists of or 14435  
contains nicotine that can be ingested into the body by any means, 14436  
including, but not limited to, chewing, smoking, absorbing, 14437  
dissolving, or inhaling. 14438

(b) "Alternative nicotine product" does not include any of 14439  
the following: 14440

(i) Any cigarette or other tobacco product;	14441
(ii) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);	14442 14443
(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);	14444 14445
(iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g).	14446 14447
(3) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.	14448 14449
(4) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.	14450 14451 14452 14453 14454
(5) "Electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. "Electronic smoking device" includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. "Electronic smoking device" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).	14455 14456 14457 14458 14459 14460 14461 14462 14463 14464 14465
(6) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under sections 4507.50 to 4507.52 of the Revised Code that shows that a person is eighteen years of age or older.	14466 14467 14468 14469 14470

(7) "Tobacco product" means any product that is made or 14471  
derived from tobacco or that contains any form of nicotine, if it 14472  
is intended for human consumption or is likely to be consumed, 14473  
whether smoked, heated, chewed, absorbed, dissolved, inhaled, or 14474  
ingested by any other means, including, but not limited to, a 14475  
cigarette, an electronic smoking device, a cigar, pipe tobacco, 14476  
chewing tobacco, snuff, or snus. "Tobacco product" also means any 14477  
component or accessory used in the consumption of a tobacco 14478  
product, such as filters, rolling papers, pipes, blunt or hemp 14479  
wraps, and liquids used in electronic smoking devices, whether or 14480  
not they contain nicotine. "Tobacco product" does not include any 14481  
product that is a drug, device, or combination product, as those 14482  
terms are defined or described in 21 U.S.C. 321 and 353(g). 14483

(8) "Vapor product" means a product, other than a cigarette 14484  
or other tobacco product as defined in Chapter 5743. of the 14485  
Revised Code, that contains or is made or derived from nicotine 14486  
and that is intended and marketed for human consumption, including 14487  
by smoking, inhaling, snorting, or sniffing. "Vapor product" 14488  
includes any component, part, or additive that is intended for use 14489  
in an electronic smoking device, a mechanical heating element, 14490  
battery, or electronic circuit and is used to deliver the product. 14491  
"Vapor product" does not include any product that is a drug, 14492  
device, or combination product, as those terms are defined or 14493  
described in 21 U.S.C. 321 and 353(g). "Vapor product" includes 14494  
any product containing nicotine, regardless of concentration. 14495

(9) "Vending machine" has the same meaning as "coin machine" 14496  
in section 2913.01 of the Revised Code. 14497

(B) No manufacturer, producer, distributor, wholesaler, or 14498  
retailer of cigarettes, other tobacco products, alternative 14499  
nicotine products, or papers used to roll cigarettes, no agent, 14500  
employee, or representative of a manufacturer, producer, 14501  
distributor, wholesaler, or retailer of cigarettes, other tobacco 14502

products, alternative nicotine products, or papers used to roll 14503  
cigarettes, and no other person shall do any of the following: 14504

(1) Give, sell, or otherwise distribute cigarettes, other 14505  
tobacco products, alternative nicotine products, or papers used to 14506  
roll cigarettes to any person under twenty-one years of age; 14507

(2) Give away, sell, or distribute cigarettes, other tobacco 14508  
products, alternative nicotine products, or papers used to roll 14509  
cigarettes in any place that does not have posted in a conspicuous 14510  
place a legibly printed sign in letters at least one-half inch 14511  
high stating that giving, selling, or otherwise distributing 14512  
cigarettes, other tobacco products, alternative nicotine products, 14513  
or papers used to roll cigarettes to a person under twenty-one 14514  
years of age is prohibited by law; 14515

(3) Knowingly furnish any false information regarding the 14516  
name, age, or other identification of any person under twenty-one 14517  
years of age with purpose to obtain cigarettes, other tobacco 14518  
products, alternative nicotine products, or papers used to roll 14519  
cigarettes for that person; 14520

(4) Manufacture, sell, or distribute in this state any pack 14521  
or other container of cigarettes containing fewer than twenty 14522  
cigarettes or any package of roll-your-own tobacco containing less 14523  
than six-tenths of one ounce of tobacco; 14524

(5) Sell cigarettes or alternative nicotine products in a 14525  
smaller quantity than that placed in the pack or other container 14526  
by the manufacturer; 14527

(6) Give, sell, or otherwise distribute alternative nicotine 14528  
products, papers used to roll cigarettes, or tobacco products 14529  
other than cigarettes over the internet or through another remote 14530  
method without age verification; 14531

(7) Allow an employee under eighteen years of age to sell any 14532  
tobacco product. 14533

(C) No person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine, except in the following locations:

(1) An area within a factory, business, office, or other place not open to the general public;

(2) An area to which persons under twenty-one years of age are not generally permitted access;

(3) Any other place not identified in division (C)(1) or (2) of this section, upon all of the following conditions:

(a) The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.

(b) The vending machine is inaccessible to the public when the place is closed.

(c) A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high:

"It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products."

(D) The following are affirmative defenses to a charge under division (B)(1) of this section:

(1) The person under twenty-one years of age was accompanied 14564  
by a parent, spouse who is twenty-one years of age or older, or 14565  
legal guardian of the person under twenty-one years of age. 14566

(2) The person who gave, sold, or distributed cigarettes, 14567  
other tobacco products, alternative nicotine products, or papers 14568  
used to roll cigarettes to a person under twenty-one years of age 14569  
under division (B)(1) of this section is a parent, spouse who is 14570  
twenty-one years of age or older, or legal guardian of the person 14571  
under twenty-one years of age. 14572

(E)~~(1)~~ It is not a violation of division (B)(1) or (2) of 14573  
this section for a person to give or otherwise distribute to a 14574  
person under twenty-one years of age cigarettes, other tobacco 14575  
products, alternative nicotine products, or papers used to roll 14576  
cigarettes while the person under twenty-one years of age is 14577  
participating in a research protocol if all of the following 14578  
apply: 14579

~~(1)~~(a) The parent, guardian, or legal custodian of the person 14580  
under twenty-one years of age has consented in writing to the 14581  
person under twenty-one years of age participating in the research 14582  
protocol. 14583

~~(2)~~(b) An institutional human subjects protection review 14584  
board, or an equivalent entity, has approved the research 14585  
protocol. 14586

~~(3)~~(c) The person under twenty-one years of age is 14587  
participating in the research protocol at the facility or location 14588  
specified in the research protocol. 14589

(2) It is not a violation of division (B)(1) or (2) of this 14590  
section for an employer to permit an employee eighteen, nineteen, 14591  
or twenty years of age to sell a tobacco product. 14592

(F)(1) Whoever violates division (B)(1), (2), (4), (5), ~~or~~ 14593  
(6), or (7) or (C) of this section is guilty of illegal 14594

distribution of cigarettes, other tobacco products, or alternative 14595  
nicotine products. Except as otherwise provided in this division, 14596  
illegal distribution of cigarettes, other tobacco products, or 14597  
alternative nicotine products is a misdemeanor of the fourth 14598  
degree. If the offender previously has been convicted of a 14599  
violation of division (B)(1), (2), (4), (5), ~~or (6)~~, or (7) or (C) 14600  
of this section, illegal distribution of cigarettes, other tobacco 14601  
products, or alternative nicotine products is a misdemeanor of the 14602  
third degree. 14603

(2) Whoever violates division (B)(3) of this section is 14604  
guilty of permitting a person under twenty-one years of age to use 14605  
cigarettes, other tobacco products, or alternative nicotine 14606  
products. Except as otherwise provided in this division, 14607  
permitting a person under twenty-one years of age to use 14608  
cigarettes, other tobacco products, or alternative nicotine 14609  
products is a misdemeanor of the fourth degree. If the offender 14610  
previously has been convicted of a violation of division (B)(3) of 14611  
this section, permitting a person under twenty-one years of age to 14612  
use cigarettes, other tobacco products, or alternative nicotine 14613  
products is a misdemeanor of the third degree. 14614

(G) Any cigarettes, other tobacco products, alternative 14615  
nicotine products, or papers used to roll cigarettes that are 14616  
given, sold, or otherwise distributed to a person under twenty-one 14617  
years of age in violation of this section and that are used, 14618  
possessed, purchased, or received by a person under twenty-one 14619  
years of age in violation of section 2151.87 of the Revised Code 14620  
are subject to seizure and forfeiture as contraband under Chapter 14621  
2981. of the Revised Code. 14622

Sec. 2927.025. (A) On and after the effective date of this 14623  
section, a person who wishes to sell, offer for sale, or possess 14624  
with intent to sell a vapor product in this state shall obtain a 14625

vapor product certificate of dealer registration from the 14626  
department of health pursuant to this section and sections 14627  
2927.026 to 2927.028 of the Revised Code for the place of business 14628  
where such product is sold, offered for sale, or possessed with 14629  
the intent to sell. 14630

(B) A vapor product certificate of dealer registration shall 14631  
allow the sale of vapor products at such place of business. 14632

(C) A holder of a vapor product certificate of dealer 14633  
registration shall post such certificate of dealer registration in 14634  
a prominent location adjacent to vapor products offered for sale. 14635

(D) For the purposes of this section, "person" means each 14636  
owner of a business organization, or such owner's authorized 14637  
designee, provided each affiliate of a business organization that 14638  
is under common control or ownership constitutes a separate person 14639  
and "person" includes a manufacturer, producer, distributor, 14640  
wholesaler, or retailer of cigarettes, other tobacco products, or 14641  
alternative nicotine products. 14642

**Sec. 2927.026.** (A)(1) On or after the effective date of this 14643  
section, any person desiring a vapor product certificate of dealer 14644  
registration or a renewal of such a certificate shall make a sworn 14645  
application for it to the department of health in a form 14646  
prescribed by the department in rule. 14647

(2) The application shall include the name, address, 14648  
telephone number and electronic mail address of the applicant and 14649  
the location of the place of business that is to be operated under 14650  
such certificate of dealer registration. An applicant for a vapor 14651  
product certificate of dealer registration shall pay to the 14652  
department a nonrefundable application fee of one hundred dollars 14653  
and the annual fee described in division (H) of this section. A 14654  
renewal application is not subject to the one-hundred-dollar 14655

application fee. 14656

(B) The department may require that an applicant submit documents sufficient to establish that state and local building, fire, and zoning requirements will be met at the location of any vapor product sale. 14657  
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(C) The department may, at its discretion, conduct an investigation to determine whether a certificate of dealer registration should be issued to an applicant. 14661  
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(D) The department shall issue or deny an application for a vapor product certificate of dealer registration within sixty days after the application is submitted. The department shall issue the certificate unless the department finds any of the following: 14664  
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(1) The applicant has willfully made a materially false statement in such application or in any other application made to the department; 14668  
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(2) The applicant has neglected to pay any taxes due to the state; 14671  
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(3) The applicant failed to provide documentation required under division (B) of this section; 14673  
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(4) The applicant, during the three years prior to the date of application, has been convicted of or pleaded guilty or no contest to violating either of the following: 14675  
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(a) Division (B) or (C) of section 2927.02 of the Revised Code; 14678  
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(b) Division (B)(2) of section 2927.021 of the Revised Code. 14680

(5) The department determines that an applicant should not be issued a license pursuant to an investigation conducted under division (C) of this section. 14681  
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(E) A certificate of dealer registration issued under this section is effective for one year and may be renewed upon payment 14684  
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of the annual fee described in division (H) of this section. 14686

(F) The department of health may, at its discretion, suspend or revoke a certificate of dealer registration. 14687  
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(G) Any person aggrieved by a denial of an application, or the refusal to renew, suspension, or revocation of a certificate of dealer registration may appeal in a manner prescribed by the department of health in rule. 14689  
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(H) The annual fee for a vapor product certificate of dealer registration shall be five hundred dollars, paid to the department of health. 14693  
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Sec. 2927.027. A vapor product certificate of dealer registration does not constitute property, is not subject to attachment and execution, and is not alienable. 14696  
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Sec. 2927.028. (A) The department of health may renew a vapor product certificate of dealer registration issued under section 2927.026 of the Revised Code that has expired if the applicant pays to the department any fines imposed by the department pursuant to section 2927.029 of the Revised Code and the annual fee described in division (H) of section 2927.026 of the Revised Code. 14699  
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(B) Any vapor product certificate of dealer registration subject to administrative or court proceedings shall not be eligible for renewal under this section. 14706  
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Sec. 2927.029. (A) No person shall knowingly sell, offer for sale, or possess with intent to sell a vapor product from a place of business that does not have a valid certificate of dealer registration. 14709  
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(B)(1) Except as provided in division (B)(2) of this section, whoever violates division (A) of this section shall be fined by 14713  
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the department of health not more than one thousand dollars. 14715

(2) Whoever violates division (A) of this section shall be 14716  
fined one hundred dollars if both of the following apply: 14717

(a) The offender was a person whose vapor product certificate 14718  
of dealer registration for the place where the violation occurred 14719  
has expired. 14720

(b) The offender's violation occurred not more than ninety 14721  
days from the date of expiration. 14722

(C) The department of health may waive all or any part of 14723  
such fine if it is proven to the department's satisfaction that 14724  
the failure to obtain or renew such certificate of dealer 14725  
registration or failure to display the certificate was due to 14726  
reasonable cause. 14727

**Sec. 2927.0210.** All fees and fines paid under sections 14728  
2927.025 to 2927.0210 of the Revised Code shall be paid directly 14729  
to the department of health, to be deposited in the tobacco use 14730  
prevention fund created in section 3701.841 of the Revised Code to 14731  
be used for administration of sections 2927.025 to 2927.0210 of 14732  
the Revised Code or for tobacco and nicotine prevention or 14733  
cessation interventions. 14734

**Sec. 2929.14.** (A) Except as provided in division (B)(1), 14735  
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), 14736  
(B)(10), (B)(11), (E), (G), (H), (J), or (K) of this section or in 14737  
division (D)(6) of section 2919.25 of the Revised Code and except 14738  
in relation to an offense for which a sentence of death or life 14739  
imprisonment is to be imposed, if the court imposing a sentence 14740  
upon an offender for a felony elects or is required to impose a 14741  
prison term on the offender pursuant to this chapter, the court 14742  
shall impose a prison term that shall be one of the following: 14743

(1)(a) For a felony of the first degree committed on or after 14744

the effective date of this amendment, the prison term shall be an 14745  
indefinite prison term with a stated minimum term selected by the 14746  
court of three, four, five, six, seven, eight, nine, ten, or 14747  
eleven years and a maximum term that is determined pursuant to 14748  
section 2929.144 of the Revised Code, except that if the section 14749  
that criminalizes the conduct constituting the felony specifies a 14750  
different minimum term or penalty for the offense, the specific 14751  
language of that section shall control in determining the minimum 14752  
term or otherwise sentencing the offender but the minimum term or 14753  
sentence imposed under that specific language shall be considered 14754  
for purposes of the Revised Code as if it had been imposed under 14755  
this division. 14756

(b) For a felony of the first degree committed prior to the 14757  
effective date of this amendment, the prison term shall be a 14758  
definite prison term of three, four, five, six, seven, eight, 14759  
nine, ten, or eleven years. 14760

(2)(a) For a felony of the second degree committed on or 14761  
after the effective date of this amendment, the prison term shall 14762  
be an indefinite prison term with a stated minimum term selected 14763  
by the court of two, three, four, five, six, seven, or eight years 14764  
and a maximum term that is determined pursuant to section 2929.144 14765  
of the Revised Code, except that if the section that criminalizes 14766  
the conduct constituting the felony specifies a different minimum 14767  
term or penalty for the offense, the specific language of that 14768  
section shall control in determining the minimum term or otherwise 14769  
sentencing the offender but the minimum term or sentence imposed 14770  
under that specific language shall be considered for purposes of 14771  
the Revised Code as if it had been imposed under this division. 14772

(b) For a felony of the second degree committed prior to the 14773  
effective date of this amendment, the prison term shall be a 14774  
definite term of two, three, four, five, six, seven, or eight 14775  
years. 14776

(3)(a) For a felony of the third degree that is a violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised Code or that is a violation of section 2911.02 or 2911.12 of the Revised Code if the offender previously has been convicted of or pleaded guilty in two or more separate proceedings to two or more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the prison term shall be a definite term of twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty months.

(b) For a felony of the third degree that is not an offense for which division (A)(3)(a) of this section applies, the prison term shall be a definite term of nine, twelve, eighteen, twenty-four, thirty, or thirty-six months.

(4) For a felony of the fourth degree, the prison term shall be a definite term of six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, or eighteen months.

(5) For a felony of the fifth degree, the prison term shall be a definite term of six, seven, eight, nine, ten, eleven, or twelve months.

(B)(1)(a) Except as provided in division (B)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.141, 2941.144, or 2941.145 of the Revised Code, the court shall impose on the offender one of the following prison terms:

(i) A prison term of six years if the specification is of the type described in division (A) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or

suppressor on or about the offender's person or under the 14808  
offender's control while committing the offense; 14809

(ii) A prison term of three years, four years, or five years 14810  
if the specification is of the type described in division (A) of 14811  
section 2941.145 of the Revised Code that charges the offender 14812  
with having a firearm on or about the offender's person or under 14813  
the offender's control while committing the offense and displaying 14814  
the firearm, brandishing the firearm, indicating that the offender 14815  
possessed the firearm, or using it to facilitate the offense, 14816  
provided that the prison term imposed under this division shall be 14817  
three years if the offender also is sentenced to a consecutive 14818  
additional prison term under division (B)(2)(a), (b), or (K) of 14819  
this section after having been convicted of or pleading guilty to 14820  
a specification of the type described in section 2941.149 of the 14821  
Revised Code that the offender is a repeat violent offender or a 14822  
specification of the type described in section 2941.1424 of the 14823  
Revised Code that the offender is a violent career criminal and a 14824  
firearm was present or involved in the offender's felony in a 14825  
manner specified in that section; 14826

(iii) A prison term of one year if the specification is of 14827  
the type described in division (A) of section 2941.141 of the 14828  
Revised Code that charges the offender with having a firearm on or 14829  
about the offender's person or under the offender's control while 14830  
committing the offense; 14831

(iv) A prison term of nine years if the specification is of 14832  
the type described in division (D) of section 2941.144 of the 14833  
Revised Code that charges the offender with having a firearm that 14834  
is an automatic firearm or that was equipped with a firearm 14835  
muffler or suppressor on or about the offender's person or under 14836  
the offender's control while committing the offense and specifies 14837  
that the offender previously has been convicted of or pleaded 14838  
guilty to a specification of the type described in section 14839

2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the 14840  
Revised Code; 14841

(v) A prison term of fifty-four months, sixty-six months, or 14842  
seventy-eight months if the specification is of the type described 14843  
in division (D) of section 2941.145 of the Revised Code that 14844  
charges the offender with having a firearm on or about the 14845  
offender's person or under the offender's control while committing 14846  
the offense and displaying the firearm, brandishing the firearm, 14847  
indicating that the offender possessed the firearm, or using the 14848  
firearm to facilitate the offense and that the offender previously 14849  
has been convicted of or pleaded guilty to a specification of the 14850  
type described in section 2941.141, 2941.144, 2941.145, 2941.146, 14851  
or 2941.1412 of the Revised Code, provided that the prison term 14852  
imposed under this division shall be fifty-four months if the 14853  
offender also is sentenced to a consecutive additional prison term 14854  
under division (B)(2)(a), (b), or (K) of this section after having 14855  
been convicted of or pleading guilty to a specification of the 14856  
type described in section 2941.149 of the Revised Code that the 14857  
offender is a repeat violent offender or a specification of the 14858  
type described in section 2941.1424 of the Revised Code that the 14859  
offender is a violent career criminal and a firearm was present or 14860  
involved in the offender's felony in a manner specified in that 14861  
section; 14862

(vi) A prison term of eighteen months if the specification is 14863  
of the type described in division (D) of section 2941.141 of the 14864  
Revised Code that charges the offender with having a firearm on or 14865  
about the offender's person or under the offender's control while 14866  
committing the offense and that the offender previously has been 14867  
convicted of or pleaded guilty to a specification of the type 14868  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 14869  
2941.1412 of the Revised Code. 14870

(b) If a court imposes a prison term on an offender under 14871

division (B)(1)(a) of this section, the prison term shall not be 14872  
reduced pursuant to section 2967.19, section 2929.20, section 14873  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 14874  
of the Revised Code. Except as provided in division (B)(1)(g) of 14875  
this section, a court shall not impose more than one prison term 14876  
on an offender under division (B)(1)(a) of this section for 14877  
felonies committed as part of the same act or transaction. 14878

(c)(i) Except as provided in division (B)(1)(e) of this 14879  
section, if an offender who is convicted of or pleads guilty to a 14880  
violation of section 2923.161 of the Revised Code or to a felony 14881  
that includes, as an essential element, purposely or knowingly 14882  
causing or attempting to cause the death of or physical harm to 14883  
another, also is convicted of or pleads guilty to a specification 14884  
of the type described in division (A) of section 2941.146 of the 14885  
Revised Code that charges the offender with committing the offense 14886  
by discharging a firearm from a motor vehicle other than a 14887  
manufactured home, the court, after imposing a prison term on the 14888  
offender for the violation of section 2923.161 of the Revised Code 14889  
or for the other felony offense under division (A), (B)(2), or 14890  
(B)(3) of this section, shall impose an additional prison term of 14891  
five years upon the offender that shall not be reduced pursuant to 14892  
section 2929.20, section 2967.19, section 2967.193, or any other 14893  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 14894

(ii) Except as provided in division (B)(1)(e) of this 14895  
section, if an offender who is convicted of or pleads guilty to a 14896  
violation of section 2923.161 of the Revised Code or to a felony 14897  
that includes, as an essential element, purposely or knowingly 14898  
causing or attempting to cause the death of or physical harm to 14899  
another, also is convicted of or pleads guilty to a specification 14900  
of the type described in division (C) of section 2941.146 of the 14901  
Revised Code that charges the offender with committing the offense 14902  
by discharging a firearm from a motor vehicle other than a 14903

manufactured home and that the offender previously has been 14904  
convicted of or pleaded guilty to a specification of the type 14905  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 14906  
2941.1412 of the Revised Code, the court, after imposing a prison 14907  
term on the offender for the violation of section 2923.161 of the 14908  
Revised Code or for the other felony offense under division (A), 14909  
(B)(2), or (3) of this section, shall impose an additional prison 14910  
term of ninety months upon the offender that shall not be reduced 14911  
pursuant to section 2929.20, 2967.19, 2967.193, or any other 14912  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 14913

(iii) A court shall not impose more than one additional 14914  
prison term on an offender under division (B)(1)(c) of this 14915  
section for felonies committed as part of the same act or 14916  
transaction. If a court imposes an additional prison term on an 14917  
offender under division (B)(1)(c) of this section relative to an 14918  
offense, the court also shall impose a prison term under division 14919  
(B)(1)(a) of this section relative to the same offense, provided 14920  
the criteria specified in that division for imposing an additional 14921  
prison term are satisfied relative to the offender and the 14922  
offense. 14923

(d) If an offender who is convicted of or pleads guilty to an 14924  
offense of violence that is a felony also is convicted of or 14925  
pleads guilty to a specification of the type described in section 14926  
2941.1411 of the Revised Code that charges the offender with 14927  
wearing or carrying body armor while committing the felony offense 14928  
of violence, the court shall impose on the offender an additional 14929  
prison term of two years. The prison term so imposed, subject to 14930  
divisions (C) to (I) of section 2967.19 of the Revised Code, shall 14931  
not be reduced pursuant to section 2929.20, section 2967.19, 14932  
section 2967.193, or any other provision of Chapter 2967. or 14933  
Chapter 5120. of the Revised Code. A court shall not impose more 14934  
than one prison term on an offender under division (B)(1)(d) of 14935

this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (B)(1)(a) or (c) of this section, the court is not precluded from imposing an additional prison term under division (B)(1)(d) of this section.

(e) The court shall not impose any of the prison terms described in division (B)(1)(a) of this section or any of the additional prison terms described in division (B)(1)(c) of this section upon an offender for a violation of section 2923.12 or 2923.123 of the Revised Code. The court shall not impose any of the prison terms described in division (B)(1)(a) or (b) of this section upon an offender for a violation of section 2923.122 that involves a deadly weapon that is a firearm other than a dangerous ordnance, section 2923.16, or section 2923.121 of the Revised Code. The court shall not impose any of the prison terms described in division (B)(1)(a) of this section or any of the additional prison terms described in division (B)(1)(c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.

(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.

(f)(i) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (A) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined

in section 2941.1412 of the Revised Code, the court, after 14968  
imposing a prison term on the offender for the felony offense 14969  
under division (A), (B)(2), or (B)(3) of this section, shall 14970  
impose an additional prison term of seven years upon the offender 14971  
that shall not be reduced pursuant to section 2929.20, section 14972  
2967.19, section 2967.193, or any other provision of Chapter 2967. 14973  
or Chapter 5120. of the Revised Code. 14974

(ii) If an offender is convicted of or pleads guilty to a 14975  
felony that includes, as an essential element, causing or 14976  
attempting to cause the death of or physical harm to another and 14977  
also is convicted of or pleads guilty to a specification of the 14978  
type described in division (B) of section 2941.1412 of the Revised 14979  
Code that charges the offender with committing the offense by 14980  
discharging a firearm at a peace officer, as defined in section 14981  
2935.01 of the Revised Code, or a corrections officer, as defined 14982  
in section 2941.1412 of the Revised Code, and that the offender 14983  
previously has been convicted of or pleaded guilty to a 14984  
specification of the type described in section 2941.141, 2941.144, 14985  
2941.145, 2941.146, or 2941.1412 of the Revised Code, the court, 14986  
after imposing a prison term on the offender for the felony 14987  
offense under division (A), (B)(2), or (3) of this section, shall 14988  
impose an additional prison term of one hundred twenty-six months 14989  
upon the offender that shall not be reduced pursuant to section 14990  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 14991  
2967. or 5120. of the Revised Code. 14992

(iii) If an offender is convicted of or pleads guilty to two 14993  
or more felonies that include, as an essential element, causing or 14994  
attempting to cause the death or physical harm to another and also 14995  
is convicted of or pleads guilty to a specification of the type 14996  
described under division (B)(1)(f) of this section in connection 14997  
with two or more of the felonies of which the offender is 14998  
convicted or to which the offender pleads guilty, the sentencing 14999

court shall impose on the offender the prison term specified under 15000  
division (B)(1)(f) of this section for each of two of the 15001  
specifications of which the offender is convicted or to which the 15002  
offender pleads guilty and, in its discretion, also may impose on 15003  
the offender the prison term specified under that division for any 15004  
or all of the remaining specifications. If a court imposes an 15005  
additional prison term on an offender under division (B)(1)(f) of 15006  
this section relative to an offense, the court shall not impose a 15007  
prison term under division (B)(1)(a) or (c) of this section 15008  
relative to the same offense. 15009

(g) If an offender is convicted of or pleads guilty to two or 15010  
more felonies, if one or more of those felonies are aggravated 15011  
murder, murder, attempted aggravated murder, attempted murder, 15012  
aggravated robbery, felonious assault, or rape, and if the 15013  
offender is convicted of or pleads guilty to a specification of 15014  
the type described under division (B)(1)(a) of this section in 15015  
connection with two or more of the felonies, the sentencing court 15016  
shall impose on the offender the prison term specified under 15017  
division (B)(1)(a) of this section for each of the two most 15018  
serious specifications of which the offender is convicted or to 15019  
which the offender pleads guilty and, in its discretion, also may 15020  
impose on the offender the prison term specified under that 15021  
division for any or all of the remaining specifications. 15022

(2)(a) If division (B)(2)(b) of this section does not apply, 15023  
the court may impose on an offender, in addition to the longest 15024  
prison term authorized or required for the offense or, for 15025  
offenses for which division (A)(1)(a) or (2)(a) of this section 15026  
applies, in addition to the longest minimum prison term authorized 15027  
or required for the offense, an additional definite prison term of 15028  
one, two, three, four, five, six, seven, eight, nine, or ten years 15029  
if all of the following criteria are met: 15030

(i) The offender is convicted of or pleads guilty to a 15031

specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

(ii) The offense of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder and the court does not impose a sentence of death or life imprisonment without parole, murder, terrorism and the court does not impose a sentence of life imprisonment without parole, any felony of the first degree that is an offense of violence and the court does not impose a sentence of life imprisonment without parole, or any felony of the second degree that is an offense of violence and the trier of fact finds that the offense involved an attempt to cause or a threat to cause serious physical harm to a person or resulted in serious physical harm to a person.

(iii) The court imposes the longest prison term for the offense or the longest minimum prison term for the offense, whichever is applicable, that is not life imprisonment without parole.

(iv) The court finds that the prison terms imposed pursuant to division (B)(2)(a)(iii) of this section and, if applicable, division (B)(1) or (3) of this section are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

(v) The court finds that the prison terms imposed pursuant to division (B)(2)(a)(iii) of this section and, if applicable, division (B)(1) or (3) of this section are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the offender's conduct is more serious than conduct normally constituting the offense are present, and they outweigh the

applicable factors under that section indicating that the 15064  
offender's conduct is less serious than conduct normally 15065  
constituting the offense. 15066

(b) The court shall impose on an offender the longest prison 15067  
term authorized or required for the offense or, for offenses for 15068  
which division (A)(1)(a) or (2)(a) of this section applies, the 15069  
longest minimum prison term authorized or required for the 15070  
offense, and shall impose on the offender an additional definite 15071  
prison term of one, two, three, four, five, six, seven, eight, 15072  
nine, or ten years if all of the following criteria are met: 15073

(i) The offender is convicted of or pleads guilty to a 15074  
specification of the type described in section 2941.149 of the 15075  
Revised Code that the offender is a repeat violent offender. 15076

(ii) The offender within the preceding twenty years has been 15077  
convicted of or pleaded guilty to three or more offenses described 15078  
in division (CC)(1) of section 2929.01 of the Revised Code, 15079  
including all offenses described in that division of which the 15080  
offender is convicted or to which the offender pleads guilty in 15081  
the current prosecution and all offenses described in that 15082  
division of which the offender previously has been convicted or to 15083  
which the offender previously pleaded guilty, whether prosecuted 15084  
together or separately. 15085

(iii) The offense or offenses of which the offender currently 15086  
is convicted or to which the offender currently pleads guilty is 15087  
aggravated murder and the court does not impose a sentence of 15088  
death or life imprisonment without parole, murder, terrorism and 15089  
the court does not impose a sentence of life imprisonment without 15090  
parole, any felony of the first degree that is an offense of 15091  
violence and the court does not impose a sentence of life 15092  
imprisonment without parole, or any felony of the second degree 15093  
that is an offense of violence and the trier of fact finds that 15094  
the offense involved an attempt to cause or a threat to cause 15095

serious physical harm to a person or resulted in serious physical 15096  
harm to a person. 15097

(c) For purposes of division (B)(2)(b) of this section, two 15098  
or more offenses committed at the same time or as part of the same 15099  
act or event shall be considered one offense, and that one offense 15100  
shall be the offense with the greatest penalty. 15101

(d) A sentence imposed under division (B)(2)(a) or (b) of 15102  
this section shall not be reduced pursuant to section 2929.20, 15103  
section 2967.19, or section 2967.193, or any other provision of 15104  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 15105  
shall serve an additional prison term imposed under division 15106  
(B)(2)(a) or (b) of this section consecutively to and prior to the 15107  
prison term imposed for the underlying offense. 15108

(e) When imposing a sentence pursuant to division (B)(2)(a) 15109  
or (b) of this section, the court shall state its findings 15110  
explaining the imposed sentence. 15111

(3) Except when an offender commits a violation of section 15112  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 15113  
the violation is life imprisonment or commits a violation of 15114  
section 2903.02 of the Revised Code, if the offender commits a 15115  
violation of section 2925.03 or 2925.11 of the Revised Code and 15116  
that section classifies the offender as a major drug offender, if 15117  
the offender commits a violation of section 2925.05 of the Revised 15118  
Code and division (E)(1) of that section classifies the offender 15119  
as a major drug offender, if the offender commits a felony 15120  
violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 15121  
3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or 15122  
(D) of section 3719.172, division (E) of section 4729.51, or 15123  
division (J) of section 4729.54 of the Revised Code that includes 15124  
the sale, offer to sell, or possession of a schedule I or II 15125  
controlled substance, with the exception of marihuana, and the 15126  
court imposing sentence upon the offender finds that the offender 15127

is guilty of a specification of the type described in division (A) 15128  
of section 2941.1410 of the Revised Code charging that the 15129  
offender is a major drug offender, if the court imposing sentence 15130  
upon an offender for a felony finds that the offender is guilty of 15131  
corrupt activity with the most serious offense in the pattern of 15132  
corrupt activity being a felony of the first degree, or if the 15133  
offender is guilty of an attempted violation of section 2907.02 of 15134  
the Revised Code and, had the offender completed the violation of 15135  
section 2907.02 of the Revised Code that was attempted, the 15136  
offender would have been subject to a sentence of life 15137  
imprisonment or life imprisonment without parole for the violation 15138  
of section 2907.02 of the Revised Code, the court shall impose 15139  
upon the offender for the felony violation a mandatory prison term 15140  
determined as described in this division that, subject to 15141  
divisions (C) to (I) of section 2967.19 of the Revised Code, 15142  
cannot be reduced pursuant to section 2929.20, section 2967.19, or 15143  
any other provision of Chapter 2967. or 5120. of the Revised Code. 15144  
The mandatory prison term shall be the maximum definite prison 15145  
term prescribed in division (A)(1)(b) of this section for a felony 15146  
of the first degree, except that for offenses for which division 15147  
(A)(1)(a) of this section applies, the mandatory prison term shall 15148  
be the longest minimum prison term prescribed in that division for 15149  
the offense. 15150

(4) If the offender is being sentenced for a third or fourth 15151  
degree felony OVI offense under division (G)(2) of section 2929.13 15152  
of the Revised Code, the sentencing court shall impose upon the 15153  
offender a mandatory prison term in accordance with that division. 15154  
In addition to the mandatory prison term, if the offender is being 15155  
sentenced for a fourth degree felony OVI offense, the court, 15156  
notwithstanding division (A)(4) of this section, may sentence the 15157  
offender to a definite prison term of not less than six months and 15158  
not more than thirty months, and if the offender is being 15159  
sentenced for a third degree felony OVI offense, the sentencing 15160

court may sentence the offender to an additional prison term of 15161  
any duration specified in division (A)(3) of this section. In 15162  
either case, the additional prison term imposed shall be reduced 15163  
by the sixty or one hundred twenty days imposed upon the offender 15164  
as the mandatory prison term. The total of the additional prison 15165  
term imposed under division (B)(4) of this section plus the sixty 15166  
or one hundred twenty days imposed as the mandatory prison term 15167  
shall equal a definite term in the range of six months to thirty 15168  
months for a fourth degree felony OVI offense and shall equal one 15169  
of the authorized prison terms specified in division (A)(3) of 15170  
this section for a third degree felony OVI offense. If the court 15171  
imposes an additional prison term under division (B)(4) of this 15172  
section, the offender shall serve the additional prison term after 15173  
the offender has served the mandatory prison term required for the 15174  
offense. In addition to the mandatory prison term or mandatory and 15175  
additional prison term imposed as described in division (B)(4) of 15176  
this section, the court also may sentence the offender to a 15177  
community control sanction under section 2929.16 or 2929.17 of the 15178  
Revised Code, but the offender shall serve all of the prison terms 15179  
so imposed prior to serving the community control sanction. 15180

If the offender is being sentenced for a fourth degree felony 15181  
OVI offense under division (G)(1) of section 2929.13 of the 15182  
Revised Code and the court imposes a mandatory term of local 15183  
incarceration, the court may impose a prison term as described in 15184  
division (A)(1) of that section. 15185

(5) If an offender is convicted of or pleads guilty to a 15186  
violation of division (A)(1) or (2) of section 2903.06 of the 15187  
Revised Code and also is convicted of or pleads guilty to a 15188  
specification of the type described in section 2941.1414 of the 15189  
Revised Code that charges that the victim of the offense is a 15190  
peace officer, as defined in section 2935.01 of the Revised Code, 15191  
or an investigator of the bureau of criminal identification and 15192

investigation, as defined in section 2903.11 of the Revised Code, 15193  
the court shall impose on the offender a prison term of five 15194  
years. If a court imposes a prison term on an offender under 15195  
division (B)(5) of this section, the prison term, subject to 15196  
divisions (C) to (I) of section 2967.19 of the Revised Code, shall 15197  
not be reduced pursuant to section 2929.20, section 2967.19, 15198  
section 2967.193, or any other provision of Chapter 2967. or 15199  
Chapter 5120. of the Revised Code. A court shall not impose more 15200  
than one prison term on an offender under division (B)(5) of this 15201  
section for felonies committed as part of the same act. 15202

(6) If an offender is convicted of or pleads guilty to a 15203  
violation of division (A)(1) or (2) of section 2903.06 of the 15204  
Revised Code and also is convicted of or pleads guilty to a 15205  
specification of the type described in section 2941.1415 of the 15206  
Revised Code that charges that the offender previously has been 15207  
convicted of or pleaded guilty to three or more violations of 15208  
division (A) or (B) of section 4511.19 of the Revised Code or an 15209  
equivalent offense, as defined in section 2941.1415 of the Revised 15210  
Code, or three or more violations of any combination of those 15211  
divisions and offenses, the court shall impose on the offender a 15212  
prison term of three years. If a court imposes a prison term on an 15213  
offender under division (B)(6) of this section, the prison term, 15214  
subject to divisions (C) to (I) of section 2967.19 of the Revised 15215  
Code, shall not be reduced pursuant to section 2929.20, section 15216  
2967.19, section 2967.193, or any other provision of Chapter 2967. 15217  
or Chapter 5120. of the Revised Code. A court shall not impose 15218  
more than one prison term on an offender under division (B)(6) of 15219  
this section for felonies committed as part of the same act. 15220

(7)(a) If an offender is convicted of or pleads guilty to a 15221  
felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 15222  
2923.32, division (A)(1) or (2) of section 2907.323 involving a 15223  
minor, or division (B)(1), (2), (3), (4), or (5) of section 15224

2919.22 of the Revised Code and also is convicted of or pleads 15225  
guilty to a specification of the type described in section 15226  
2941.1422 of the Revised Code that charges that the offender 15227  
knowingly committed the offense in furtherance of human 15228  
trafficking, the court shall impose on the offender a mandatory 15229  
prison term that is one of the following: 15230

(i) If the offense is a felony of the first degree, a 15231  
definite prison term of not less than five years and not greater 15232  
than eleven years, except that if the offense is a felony of the 15233  
first degree committed on or after the effective date of this 15234  
amendment, the court shall impose as the minimum prison term a 15235  
mandatory term of not less than five years and not greater than 15236  
eleven years; 15237

(ii) If the offense is a felony of the second or third 15238  
degree, a definite prison term of not less than three years and 15239  
not greater than the maximum prison term allowed for the offense 15240  
by division (A)(2)(b) or (3) of this section, except that if the 15241  
offense is a felony of the second degree committed on or after the 15242  
effective date of this amendment, the court shall impose as the 15243  
minimum prison term a mandatory term of not less than three years 15244  
and not greater than eight years; 15245

(iii) If the offense is a felony of the fourth or fifth 15246  
degree, a definite prison term that is the maximum prison term 15247  
allowed for the offense by division (A) of section 2929.14 of the 15248  
Revised Code. 15249

(b) Subject to divisions (C) to (I) of section 2967.19 of the 15250  
Revised Code, the prison term imposed under division (B)(7)(a) of 15251  
this section shall not be reduced pursuant to section 2929.20, 15252  
section 2967.19, section 2967.193, or any other provision of 15253  
Chapter 2967. of the Revised Code. A court shall not impose more 15254  
than one prison term on an offender under division (B)(7)(a) of 15255  
this section for felonies committed as part of the same act, 15256

scheme, or plan. 15257

(8) If an offender is convicted of or pleads guilty to a 15258  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 15259  
Revised Code and also is convicted of or pleads guilty to a 15260  
specification of the type described in section 2941.1423 of the 15261  
Revised Code that charges that the victim of the violation was a 15262  
woman whom the offender knew was pregnant at the time of the 15263  
violation, notwithstanding the range prescribed in division (A) of 15264  
this section as the definite prison term or minimum prison term 15265  
for felonies of the same degree as the violation, the court shall 15266  
impose on the offender a mandatory prison term that is either a 15267  
definite prison term of six months or one of the prison terms 15268  
prescribed in division (A) of this section for felonies of the 15269  
same degree as the violation, except that if the violation is a 15270  
felony of the first or second degree committed on or after the 15271  
effective date of this amendment, the court shall impose as the 15272  
minimum prison term under division (A)(1)(a) or (2)(a) of this 15273  
section a mandatory term that is one of the terms prescribed in 15274  
that division, whichever is applicable, for the offense. 15275

(9)(a) If an offender is convicted of or pleads guilty to a 15276  
violation of division (A)(1) or (2) of section 2903.11 of the 15277  
Revised Code and also is convicted of or pleads guilty to a 15278  
specification of the type described in section 2941.1425 of the 15279  
Revised Code, the court shall impose on the offender a mandatory 15280  
prison term of six years if either of the following applies: 15281

(i) The violation is a violation of division (A)(1) of 15282  
section 2903.11 of the Revised Code and the specification charges 15283  
that the offender used an accelerant in committing the violation 15284  
and the serious physical harm to another or to another's unborn 15285  
caused by the violation resulted in a permanent, serious 15286  
disfigurement or permanent, substantial incapacity; 15287

(ii) The violation is a violation of division (A)(2) of 15288

section 2903.11 of the Revised Code and the specification charges 15289  
that the offender used an accelerant in committing the violation, 15290  
that the violation caused physical harm to another or to another's 15291  
unborn, and that the physical harm resulted in a permanent, 15292  
serious disfigurement or permanent, substantial incapacity. 15293

(b) If a court imposes a prison term on an offender under 15294  
division (B)(9)(a) of this section, the prison term shall not be 15295  
reduced pursuant to section 2929.20, section 2967.19, section 15296  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 15297  
of the Revised Code. A court shall not impose more than one prison 15298  
term on an offender under division (B)(9) of this section for 15299  
felonies committed as part of the same act. 15300

(c) The provisions of divisions (B)(9) and (C)(6) of this 15301  
section and of division (D)(2) of section 2903.11, division 15302  
(F)(20) of section 2929.13, and section 2941.1425 of the Revised 15303  
Code shall be known as "Judy's Law." 15304

(10) If an offender is convicted of or pleads guilty to a 15305  
violation of division (A) of section 2903.11 of the Revised Code 15306  
and also is convicted of or pleads guilty to a specification of 15307  
the type described in section 2941.1426 of the Revised Code that 15308  
charges that the victim of the offense suffered permanent 15309  
disabling harm as a result of the offense and that the victim was 15310  
under ten years of age at the time of the offense, regardless of 15311  
whether the offender knew the age of the victim, the court shall 15312  
impose upon the offender an additional definite prison term of six 15313  
years. A prison term imposed on an offender under division (B)(10) 15314  
of this section shall not be reduced pursuant to section 2929.20, 15315  
section 2967.193, or any other provision of Chapter 2967. or 15316  
Chapter 5120. of the Revised Code. If a court imposes an 15317  
additional prison term on an offender under this division relative 15318  
to a violation of division (A) of section 2903.11 of the Revised 15319  
Code, the court shall not impose any other additional prison term 15320

on the offender relative to the same offense. 15321

(11) If an offender is convicted of or pleads guilty to a 15322  
felony violation of section 2925.03 or 2925.05 of the Revised Code 15323  
or a felony violation of section 2925.11 of the Revised Code for 15324  
which division (C)(11) of that section applies in determining the 15325  
sentence for the violation, if the drug involved in the violation 15326  
is a fentanyl-related compound or a compound, mixture, 15327  
preparation, or substance containing a fentanyl-related compound, 15328  
and if the offender also is convicted of or pleads guilty to a 15329  
specification of the type described in division (B) of section 15330  
2941.1410 of the Revised Code that charges that the offender is a 15331  
major drug offender, in addition to any other penalty imposed for 15332  
the violation, the court shall impose on the offender a mandatory 15333  
prison term of three, four, five, six, seven, or eight years. If a 15334  
court imposes a prison term on an offender under division (B)(11) 15335  
of this section, the prison term, subject to divisions (C) to (I) 15336  
of section 2967.19 of the Revised Code, shall not be reduced 15337  
pursuant to section 2929.20, 2967.19, or 2967.193, or any other 15338  
provision of Chapter 2967. or 5120. of the Revised Code. A court 15339  
shall not impose more than one prison term on an offender under 15340  
division (B)(11) of this section for felonies committed as part of 15341  
the same act. 15342

(C)(1)(a) Subject to division (C)(1)(b) of this section, if a 15343  
mandatory prison term is imposed upon an offender pursuant to 15344  
division (B)(1)(a) of this section for having a firearm on or 15345  
about the offender's person or under the offender's control while 15346  
committing a felony, if a mandatory prison term is imposed upon an 15347  
offender pursuant to division (B)(1)(c) of this section for 15348  
committing a felony specified in that division by discharging a 15349  
firearm from a motor vehicle, or if both types of mandatory prison 15350  
terms are imposed, the offender shall serve any mandatory prison 15351  
term imposed under either division consecutively to any other 15352

mandatory prison term imposed under either division or under 15353  
division (B)(1)(d) of this section, consecutively to and prior to 15354  
any prison term imposed for the underlying felony pursuant to 15355  
division (A), (B)(2), or (B)(3) of this section or any other 15356  
section of the Revised Code, and consecutively to any other prison 15357  
term or mandatory prison term previously or subsequently imposed 15358  
upon the offender. 15359

(b) If a mandatory prison term is imposed upon an offender 15360  
pursuant to division (B)(1)(d) of this section for wearing or 15361  
carrying body armor while committing an offense of violence that 15362  
is a felony, the offender shall serve the mandatory term so 15363  
imposed consecutively to any other mandatory prison term imposed 15364  
under that division or under division (B)(1)(a) or (c) of this 15365  
section, consecutively to and prior to any prison term imposed for 15366  
the underlying felony under division (A), (B)(2), or (B)(3) of 15367  
this section or any other section of the Revised Code, and 15368  
consecutively to any other prison term or mandatory prison term 15369  
previously or subsequently imposed upon the offender. 15370

(c) If a mandatory prison term is imposed upon an offender 15371  
pursuant to division (B)(1)(f) of this section, the offender shall 15372  
serve the mandatory prison term so imposed consecutively to and 15373  
prior to any prison term imposed for the underlying felony under 15374  
division (A), (B)(2), or (B)(3) of this section or any other 15375  
section of the Revised Code, and consecutively to any other prison 15376  
term or mandatory prison term previously or subsequently imposed 15377  
upon the offender. 15378

(d) If a mandatory prison term is imposed upon an offender 15379  
pursuant to division (B)(7) or (8) of this section, the offender 15380  
shall serve the mandatory prison term so imposed consecutively to 15381  
any other mandatory prison term imposed under that division or 15382  
under any other provision of law and consecutively to any other 15383  
prison term or mandatory prison term previously or subsequently 15384

imposed upon the offender. 15385

(e) If a mandatory prison term is imposed upon an offender 15386  
pursuant to division (B)(11) of this section, the offender shall 15387  
serve the mandatory prison term consecutively to any other 15388  
mandatory prison term imposed under that division, consecutively 15389  
to and prior to any prison term imposed for the underlying felony, 15390  
and consecutively to any other prison term or mandatory prison 15391  
term previously or subsequently imposed upon the offender. 15392

(2) If an offender who is an inmate in a jail, prison, or 15393  
other residential detention facility violates section 2917.02, 15394  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or (2) 15395  
of section 2921.34 of the Revised Code, if an offender who is 15396  
under detention at a detention facility commits a felony violation 15397  
of section 2923.131 of the Revised Code, or if an offender who is 15398  
an inmate in a jail, prison, or other residential detention 15399  
facility or is under detention at a detention facility commits 15400  
another felony while the offender is an escapee in violation of 15401  
division (A)(1) or (2) of section 2921.34 of the Revised Code, any 15402  
prison term imposed upon the offender for one of those violations 15403  
shall be served by the offender consecutively to the prison term 15404  
or term of imprisonment the offender was serving when the offender 15405  
committed that offense and to any other prison term previously or 15406  
subsequently imposed upon the offender. 15407

(3) If a prison term is imposed for a violation of division 15408  
(B) of section 2911.01 of the Revised Code, a violation of 15409  
division (A) of section 2913.02 of the Revised Code in which the 15410  
stolen property is a firearm or dangerous ordnance, or a felony 15411  
violation of division (B) of section 2921.331 of the Revised Code, 15412  
the offender shall serve that prison term consecutively to any 15413  
other prison term or mandatory prison term previously or 15414  
subsequently imposed upon the offender. 15415

(4) If multiple prison terms are imposed on an offender for 15416

convictions of multiple offenses, the court may require the 15417  
offender to serve the prison terms consecutively if the court 15418  
finds that the consecutive service is necessary to protect the 15419  
public from future crime or to punish the offender and that 15420  
consecutive sentences are not disproportionate to the seriousness 15421  
of the offender's conduct and to the danger the offender poses to 15422  
the public, and if the court also finds any of the following: 15423

(a) The offender committed one or more of the multiple 15424  
offenses while the offender was awaiting trial or sentencing, was 15425  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 15426  
2929.18 of the Revised Code, or was under post-release control for 15427  
a prior offense. 15428

(b) At least two of the multiple offenses were committed as 15429  
part of one or more courses of conduct, and the harm caused by two 15430  
or more of the multiple offenses so committed was so great or 15431  
unusual that no single prison term for any of the offenses 15432  
committed as part of any of the courses of conduct adequately 15433  
reflects the seriousness of the offender's conduct. 15434

(c) The offender's history of criminal conduct demonstrates 15435  
that consecutive sentences are necessary to protect the public 15436  
from future crime by the offender. 15437

(5) If a mandatory prison term is imposed upon an offender 15438  
pursuant to division (B)(5) or (6) of this section, the offender 15439  
shall serve the mandatory prison term consecutively to and prior 15440  
to any prison term imposed for the underlying violation of 15441  
division (A)(1) or (2) of section 2903.06 of the Revised Code 15442  
pursuant to division (A) of this section or section 2929.142 of 15443  
the Revised Code. If a mandatory prison term is imposed upon an 15444  
offender pursuant to division (B)(5) of this section, and if a 15445  
mandatory prison term also is imposed upon the offender pursuant 15446  
to division (B)(6) of this section in relation to the same 15447  
violation, the offender shall serve the mandatory prison term 15448

imposed pursuant to division (B)(5) of this section consecutively 15449  
to and prior to the mandatory prison term imposed pursuant to 15450  
division (B)(6) of this section and consecutively to and prior to 15451  
any prison term imposed for the underlying violation of division 15452  
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 15453  
division (A) of this section or section 2929.142 of the Revised 15454  
Code. 15455

(6) If a mandatory prison term is imposed on an offender 15456  
pursuant to division (B)(9) of this section, the offender shall 15457  
serve the mandatory prison term consecutively to and prior to any 15458  
prison term imposed for the underlying violation of division 15459  
(A)(1) or (2) of section 2903.11 of the Revised Code and 15460  
consecutively to and prior to any other prison term or mandatory 15461  
prison term previously or subsequently imposed on the offender. 15462

(7) If a mandatory prison term is imposed on an offender 15463  
pursuant to division (B)(10) of this section, the offender shall 15464  
serve that mandatory prison term consecutively to and prior to any 15465  
prison term imposed for the underlying felonious assault. Except 15466  
as otherwise provided in division (C) of this section, any other 15467  
prison term or mandatory prison term previously or subsequently 15468  
imposed upon the offender may be served concurrently with, or 15469  
consecutively to, the prison term imposed pursuant to division 15470  
(B)(10) of this section. 15471

(8) Any prison term imposed for a violation of section 15472  
2903.04 of the Revised Code that is based on a violation of 15473  
section 2925.03 or 2925.11 of the Revised Code or on a violation 15474  
of section 2925.05 of the Revised Code that is not funding of 15475  
marihuana trafficking shall run consecutively to any prison term 15476  
imposed for the violation of section 2925.03 or 2925.11 of the 15477  
Revised Code or for the violation of section 2925.05 of the 15478  
Revised Code that is not funding of marihuana trafficking. 15479

(9) When consecutive prison terms are imposed pursuant to 15480

division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or division 15481  
(H)(1) or (2) of this section, subject to division (C)(10) of this 15482  
section, the term to be served is the aggregate of all of the 15483  
terms so imposed. 15484

(10) When a court sentences an offender to a non-life felony 15485  
indefinite prison term, any definite prison term or mandatory 15486  
definite prison term previously or subsequently imposed on the 15487  
offender in addition to that indefinite sentence that is required 15488  
to be served consecutively to that indefinite sentence shall be 15489  
served prior to the indefinite sentence. 15490

(11) If a court is sentencing an offender for a felony of the 15491  
first or second degree, if division (A)(1)(a) or (2)(a) of this 15492  
section applies with respect to the sentencing for the offense, 15493  
and if the court is required under the Revised Code section that 15494  
sets forth the offense or any other Revised Code provision to 15495  
impose a mandatory prison term for the offense, the court shall 15496  
impose the required mandatory prison term as the minimum term 15497  
imposed under division (A)(1)(a) or (2)(a) of this section, 15498  
whichever is applicable. 15499

(D)(1) If a court imposes a prison term, other than a term of 15500  
life imprisonment, for a felony of the first degree, for a felony 15501  
of the second degree, for a felony sex offense, or for a felony of 15502  
the third degree that is an offense of violence and that is not a 15503  
felony sex offense, it shall include in the sentence a requirement 15504  
that the offender be subject to a period of post-release control 15505  
after the offender's release from imprisonment, in accordance with 15506  
section 2967.28 of the Revised Code. If a court imposes a sentence 15507  
including a prison term of a type described in this division on or 15508  
after July 11, 2006, the failure of a court to include a 15509  
post-release control requirement in the sentence pursuant to this 15510  
division does not negate, limit, or otherwise affect the mandatory 15511  
period of post-release control that is required for the offender 15512

under division (B) of section 2967.28 of the Revised Code. Section 15513  
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 15514  
court imposed a sentence including a prison term of a type 15515  
described in this division and failed to include in the sentence 15516  
pursuant to this division a statement regarding post-release 15517  
control. 15518

(2) If a court imposes a prison term for a felony of the 15519  
third, fourth, or fifth degree that is not subject to division 15520  
(D)(1) of this section, it shall include in the sentence a 15521  
requirement that the offender be subject to a period of 15522  
post-release control after the offender's release from 15523  
imprisonment, in accordance with that division, if the parole 15524  
board determines that a period of post-release control is 15525  
necessary. Section 2929.191 of the Revised Code applies if, prior 15526  
to July 11, 2006, a court imposed a sentence including a prison 15527  
term of a type described in this division and failed to include in 15528  
the sentence pursuant to this division a statement regarding 15529  
post-release control. 15530

(E) The court shall impose sentence upon the offender in 15531  
accordance with section 2971.03 of the Revised Code, and Chapter 15532  
2971. of the Revised Code applies regarding the prison term or 15533  
term of life imprisonment without parole imposed upon the offender 15534  
and the service of that term of imprisonment if any of the 15535  
following apply: 15536

(1) A person is convicted of or pleads guilty to a violent 15537  
sex offense or a designated homicide, assault, or kidnapping 15538  
offense, and, in relation to that offense, the offender is 15539  
adjudicated a sexually violent predator. 15540

(2) A person is convicted of or pleads guilty to a violation 15541  
of division (A)(1)(b) of section 2907.02 of the Revised Code 15542  
committed on or after January 2, 2007, and either the court does 15543  
not impose a sentence of life without parole when authorized 15544

pursuant to division (B) of section 2907.02 of the Revised Code, 15545  
or division (B) of section 2907.02 of the Revised Code provides 15546  
that the court shall not sentence the offender pursuant to section 15547  
2971.03 of the Revised Code. 15548

(3) A person is convicted of or pleads guilty to attempted 15549  
rape committed on or after January 2, 2007, and a specification of 15550  
the type described in section 2941.1418, 2941.1419, or 2941.1420 15551  
of the Revised Code. 15552

(4) A person is convicted of or pleads guilty to a violation 15553  
of section 2905.01 of the Revised Code committed on or after 15554  
January 1, 2008, and that section requires the court to sentence 15555  
the offender pursuant to section 2971.03 of the Revised Code. 15556

(5) A person is convicted of or pleads guilty to aggravated 15557  
murder committed on or after January 1, 2008, and division 15558  
(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 15559  
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 15560  
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 15561  
2929.06 of the Revised Code requires the court to sentence the 15562  
offender pursuant to division (B)(3) of section 2971.03 of the 15563  
Revised Code. 15564

(6) A person is convicted of or pleads guilty to murder 15565  
committed on or after January 1, 2008, and division (B)(2) of 15566  
section 2929.02 of the Revised Code requires the court to sentence 15567  
the offender pursuant to section 2971.03 of the Revised Code. 15568

(F) If a person who has been convicted of or pleaded guilty 15569  
to a felony is sentenced to a prison term or term of imprisonment 15570  
under this section, sections 2929.02 to 2929.06 of the Revised 15571  
Code, section 2929.142 of the Revised Code, section 2971.03 of the 15572  
Revised Code, or any other provision of law, section 5120.163 of 15573  
the Revised Code applies regarding the person while the person is 15574  
confined in a state correctional institution. 15575

(G) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.

(H)(1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(2)(a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony violation, the court may impose upon the offender an additional prison term as follows:

(i) Subject to division (H)(2)(a)(ii) of this section, an additional prison term of one, two, three, four, five, or six months;

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised Code and also was convicted of or pleaded guilty to a specification of the type described in section 2941.1421 of the Revised Code regarding one or more of those violations, an

additional prison term of one, two, three, four, five, six, seven, 15608  
eight, nine, ten, eleven, or twelve months. 15609

(b) In lieu of imposing an additional prison term under 15610  
division (H)(2)(a) of this section, the court may directly impose 15611  
on the offender a sanction that requires the offender to wear a 15612  
real-time processing, continual tracking electronic monitoring 15613  
device during the period of time specified by the court. The 15614  
period of time specified by the court shall equal the duration of 15615  
an additional prison term that the court could have imposed upon 15616  
the offender under division (H)(2)(a) of this section. A sanction 15617  
imposed under this division shall commence on the date specified 15618  
by the court, provided that the sanction shall not commence until 15619  
after the offender has served the prison term imposed for the 15620  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 15621  
of the Revised Code and any residential sanction imposed for the 15622  
violation under section 2929.16 of the Revised Code. A sanction 15623  
imposed under this division shall be considered to be a community 15624  
control sanction for purposes of section 2929.15 of the Revised 15625  
Code, and all provisions of the Revised Code that pertain to 15626  
community control sanctions shall apply to a sanction imposed 15627  
under this division, except to the extent that they would by their 15628  
nature be clearly inapplicable. The offender shall pay all costs 15629  
associated with a sanction imposed under this division, including 15630  
the cost of the use of the monitoring device. 15631

(I) At the time of sentencing, the court may recommend the 15632  
offender for placement in a program of shock incarceration under 15633  
section 5120.031 of the Revised Code or for placement in an 15634  
intensive program prison under section 5120.032 of the Revised 15635  
Code, disapprove placement of the offender in a program of shock 15636  
incarceration or an intensive program prison of that nature, or 15637  
make no recommendation on placement of the offender. In no case 15638  
shall the department of rehabilitation and correction place the 15639

offender in a program or prison of that nature unless the 15640  
department determines as specified in section 5120.031 or 5120.032 15641  
of the Revised Code, whichever is applicable, that the offender is 15642  
eligible for the placement. 15643

If the court disapproves placement of the offender in a 15644  
program or prison of that nature, the department of rehabilitation 15645  
and correction shall not place the offender in any program of 15646  
shock incarceration or intensive program prison. 15647

If the court recommends placement of the offender in a 15648  
program of shock incarceration or in an intensive program prison, 15649  
and if the offender is subsequently placed in the recommended 15650  
program or prison, the department shall notify the court of the 15651  
placement and shall include with the notice a brief description of 15652  
the placement. 15653

If the court recommends placement of the offender in a 15654  
program of shock incarceration or in an intensive program prison 15655  
and the department does not subsequently place the offender in the 15656  
recommended program or prison, the department shall send a notice 15657  
to the court indicating why the offender was not placed in the 15658  
recommended program or prison. 15659

If the court does not make a recommendation under this 15660  
division with respect to an offender and if the department 15661  
determines as specified in section 5120.031 or 5120.032 of the 15662  
Revised Code, whichever is applicable, that the offender is 15663  
eligible for placement in a program or prison of that nature, the 15664  
department shall screen the offender and determine if there is an 15665  
available program of shock incarceration or an intensive program 15666  
prison for which the offender is suited. If there is an available 15667  
program of shock incarceration or an intensive program prison for 15668  
which the offender is suited, the department shall notify the 15669  
court of the proposed placement of the offender as specified in 15670  
section 5120.031 or 5120.032 of the Revised Code and shall include 15671

with the notice a brief description of the placement. The court 15672  
shall have ten days from receipt of the notice to disapprove the 15673  
placement. 15674

(J) If a person is convicted of or pleads guilty to 15675  
aggravated vehicular homicide in violation of division (A)(1) of 15676  
section 2903.06 of the Revised Code and division (B)(2)(c) of that 15677  
section applies, the person shall be sentenced pursuant to section 15678  
2929.142 of the Revised Code. 15679

(K)(1) The court shall impose an additional mandatory prison 15680  
term of two, three, four, five, six, seven, eight, nine, ten, or 15681  
eleven years on an offender who is convicted of or pleads guilty 15682  
to a violent felony offense if the offender also is convicted of 15683  
or pleads guilty to a specification of the type described in 15684  
section 2941.1424 of the Revised Code that charges that the 15685  
offender is a violent career criminal and had a firearm on or 15686  
about the offender's person or under the offender's control while 15687  
committing the presently charged violent felony offense and 15688  
displayed or brandished the firearm, indicated that the offender 15689  
possessed a firearm, or used the firearm to facilitate the 15690  
offense. The offender shall serve the prison term imposed under 15691  
this division consecutively to and prior to the prison term 15692  
imposed for the underlying offense. The prison term shall not be 15693  
reduced pursuant to section 2929.20 or 2967.19 or any other 15694  
provision of Chapter 2967. or 5120. of the Revised Code. A court 15695  
may not impose more than one sentence under division (B)(2)(a) of 15696  
this section and this division for acts committed as part of the 15697  
same act or transaction. 15698

(2) As used in division (K)(1) of this section, "violent 15699  
career criminal" and "violent felony offense" have the same 15700  
meanings as in section 2923.132 of the Revised Code. 15701

**Sec. 2929.15.** (A)(1) If in sentencing an offender for a 15702

felony the court is not required to impose a prison term, a 15703  
mandatory prison term, or a term of life imprisonment upon the 15704  
offender, the court may directly impose a sentence that consists 15705  
of one or more community control sanctions authorized pursuant to 15706  
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 15707  
court is sentencing an offender for a fourth degree felony OVI 15708  
offense under division (G)(1) of section 2929.13 of the Revised 15709  
Code, in addition to the mandatory term of local incarceration 15710  
imposed under that division and the mandatory fine required by 15711  
division (B)(3) of section 2929.18 of the Revised Code, the court 15712  
may impose upon the offender a community control sanction or 15713  
combination of community control sanctions in accordance with 15714  
sections 2929.16 and 2929.17 of the Revised Code. If the court is 15715  
sentencing an offender for a third or fourth degree felony OVI 15716  
offense under division (G)(2) of section 2929.13 of the Revised 15717  
Code, in addition to the mandatory prison term or mandatory prison 15718  
term and additional prison term imposed under that division, the 15719  
court also may impose upon the offender a community control 15720  
sanction or combination of community control sanctions under 15721  
section 2929.16 or 2929.17 of the Revised Code, but the offender 15722  
shall serve all of the prison terms so imposed prior to serving 15723  
the community control sanction. 15724

The duration of all community control sanctions imposed on an 15725  
offender under this division shall not exceed five years for any 15726  
felony of the first, second, or third degree or any felony sex 15727  
offense, three years for any felony of the fourth degree that is 15728  
not a felony sex offense, or one year for any felony of the fifth 15729  
degree that is not a felony sex offense. If the offender absconds 15730  
or otherwise leaves the jurisdiction of the court in which the 15731  
offender resides without obtaining permission from the court or 15732  
the offender's probation officer to leave the jurisdiction of the 15733  
court, or if the offender is confined in any institution for the 15734

commission of any offense while under a community control 15735  
sanction, the period of the community control sanction ceases to 15736  
run until the offender is brought before the court for its further 15737  
action. If the court sentences the offender to one or more 15738  
nonresidential sanctions under section 2929.17 of the Revised 15739  
Code, the court shall impose as a condition of the nonresidential 15740  
sanctions that, during the period of the sanctions, the offender 15741  
must abide by the law and must not leave the state without the 15742  
permission of the court or the offender's probation officer. The 15743  
court may impose any other conditions of release under a community 15744  
control sanction that the court considers appropriate, including, 15745  
but not limited to, requiring that the offender not ingest or be 15746  
injected with a drug of abuse and submit to random drug testing as 15747  
provided in division (D) of this section to determine whether the 15748  
offender ingested or was injected with a drug of abuse and 15749  
requiring that the results of the drug test indicate that the 15750  
offender did not ingest or was not injected with a drug of abuse. 15751

As used in this division, "felony sex offense" means a 15752  
violation of a section contained in Chapter 2907. of the Revised 15753  
Code that is a felony. 15754

(2)(a) If a court sentences an offender to any community 15755  
control sanction or combination of community control sanctions 15756  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 15757  
Revised Code, the court shall place the offender under the general 15758  
control and supervision of a department of probation in the county 15759  
that serves the court for purposes of reporting to the court a 15760  
violation of any condition of the sanctions, any condition of 15761  
release under a community control sanction imposed by the court, a 15762  
violation of law, or the departure of the offender from this state 15763  
without the permission of the court or the offender's probation 15764  
officer. Alternatively, if the offender resides in another county 15765  
and a county department of probation has been established in that 15766

county or that county is served by a multicounty probation 15767  
department established under section 2301.27 of the Revised Code, 15768  
the court may request the court of common pleas of that county to 15769  
receive the offender into the general control and supervision of 15770  
that county or multicounty department of probation for purposes of 15771  
reporting to the court a violation of any condition of the 15772  
sanctions, any condition of release under a community control 15773  
sanction imposed by the court, a violation of law, or the 15774  
departure of the offender from this state without the permission 15775  
of the court or the offender's probation officer, subject to the 15776  
jurisdiction of the trial judge over and with respect to the 15777  
person of the offender, and to the rules governing that department 15778  
of probation. 15779

If there is no department of probation in the county that 15780  
serves the court, the court shall place the offender, regardless 15781  
of the offender's county of residence, under the general control 15782  
and supervision of the adult parole authority or an entity 15783  
authorized under division (B) of section 2301.27 of the Revised 15784  
Code to provide probation and supervisory services to counties for 15785  
purposes of reporting to the court a violation of any of the 15786  
sanctions, any condition of release under a community control 15787  
sanction imposed by the court, a violation of law, or the 15788  
departure of the offender from this state without the permission 15789  
of the court or the offender's probation officer. 15790

(b) If the court imposing sentence on an offender sentences 15791  
the offender to any community control sanction or combination of 15792  
community control sanctions authorized pursuant to section 15793  
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 15794  
offender violates any condition of the sanctions, violates any 15795  
condition of release under a community control sanction imposed by 15796  
the court, violates any law, or departs the state without the 15797  
permission of the court or the offender's probation officer, the 15798

public or private person or entity that operates or administers 15799  
the sanction or the program or activity that comprises the 15800  
sanction shall report the violation or departure directly to the 15801  
sentencing court, or shall report the violation or departure to 15802  
the county or multicounty department of probation with general 15803  
control and supervision over the offender under division (A)(2)(a) 15804  
of this section or the officer of that department who supervises 15805  
the offender, or, if there is no such department with general 15806  
control and supervision over the offender under that division, to 15807  
the adult parole authority or an entity authorized under division 15808  
(B) of section 2301.27 of the Revised Code to provide probation 15809  
and supervisory services to the county. If the public or private 15810  
person or entity that operates or administers the sanction or the 15811  
program or activity that comprises the sanction reports the 15812  
violation or departure to the county or multicounty department of 15813  
probation, the adult parole authority, or any other entity 15814  
providing probation and supervisory services to the county, the 15815  
department's, authority's, or other entity's officers may treat 15816  
the offender as if the offender were on probation and in violation 15817  
of the probation, and shall report the violation of the condition 15818  
of the sanction, any condition of release under a community 15819  
control sanction imposed by the court, the violation of law, or 15820  
the departure from the state without the required permission to 15821  
the sentencing court. 15822

(3) If an offender who is eligible for community control 15823  
sanctions under this section admits to being drug addicted or the 15824  
court has reason to believe that the offender is drug addicted, 15825  
and if the offense for which the offender is being sentenced was 15826  
related to the addiction, the court may require that the offender 15827  
be assessed by a properly credentialed professional within a 15828  
specified period of time and shall require the professional to 15829  
file a written assessment of the offender with the court. If a 15830  
court imposes treatment and recovery support services as a 15831

community control sanction, the court shall direct the level and 15832  
type of treatment and recovery support services after 15833  
consideration of the written assessment, if available at the time 15834  
of sentencing, and recommendations of the professional and other 15835  
treatment and recovery support services providers. 15836

(4) If an assessment completed pursuant to division (A)(3) of 15837  
this section indicates that the offender is addicted to drugs or 15838  
alcohol, the court may include in any community control sanction 15839  
imposed for a violation of section 2925.02, 2925.03, 2925.04, 15840  
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 15841  
2925.37 of the Revised Code a requirement that the offender 15842  
participate in alcohol and drug addiction services and recovery 15843  
supports certified under section 5119.36 of the Revised Code or 15844  
offered by a properly credentialed community addiction services 15845  
provider. 15846

(B)(1) If the conditions of a community control sanction 15847  
imposed for a felony are violated or if the offender violates a 15848  
law or leaves the state without the permission of the court or the 15849  
offender's probation officer, the sentencing court may impose on 15850  
the violator one or more of the following penalties: 15851

(a) A longer time under the same sanction if the total time 15852  
under the sanctions does not exceed the ~~five-year~~ limit for the 15853  
felony for which the community control sanction was imposed that 15854  
is specified in division (A) of this section; 15855

(b) A more restrictive sanction under section 2929.16, 15856  
2929.17, or 2929.18 of the Revised Code, including but not limited 15857  
to, a new term in a community-based correctional facility, halfway 15858  
house, or jail pursuant to division (A)(6) of section 2929.16 of 15859  
the Revised Code; 15860

(c) A prison term on the offender pursuant to section 2929.14 15861  
of the Revised Code and division (B)(3) of this section, provided 15862

that a prison term imposed under this division is subject to the 15863  
following limitations, as applicable: 15864

(i) If the prison term is imposed for any technical violation 15865  
of the conditions of a community control sanction imposed for a 15866  
felony of the fifth degree, the prison term shall not exceed 15867  
ninety days, provided that if the remaining period of community 15868  
control at the time of the violation or the remaining period of 15869  
the suspended prison sentence at that time is less than ninety 15870  
days, the prison term shall not exceed the length of the remaining 15871  
period of community control or the remaining period of the 15872  
suspended prison sentence. If the court imposes a prison term as 15873  
described in this division, division (B)(2)(b) of this section 15874  
applies. 15875

(ii) If the prison term is imposed for any technical 15876  
violation of the conditions of a community control sanction 15877  
imposed for a felony of the fourth degree that is not an offense 15878  
of violence and is not a sexually oriented offense , the prison 15879  
term shall not exceed one hundred eighty days, provided that if 15880  
the remaining period of the community control at the time of the 15881  
violation or the remaining period of the suspended prison sentence 15882  
at that time is less than one hundred eighty days, the prison term 15883  
shall not exceed the length of the remaining period of community 15884  
control or the remaining period of the suspended prison sentence. 15885  
If the court imposes a prison term as described in this division, 15886  
division (B)(2)(b) of this section applies. 15887

(2)(a) If an offender was acting pursuant to division 15888  
(B)(2)(b) of section 2925.11 of the Revised Code and in so doing 15889  
violated the conditions of a community control sanction based on a 15890  
minor drug possession offense, as defined in section 2925.11 of 15891  
the Revised Code, the sentencing court may consider the offender's 15892  
conduct in seeking or obtaining medical assistance for another in 15893  
good faith or for self or may consider the offender being the 15894

subject of another person seeking or obtaining medical assistance 15895  
in accordance with that division as a mitigating factor before 15896  
imposing any of the penalties described in division (B)(1) of this 15897  
section. 15898

(b) If a court imposes a prison term on an offender under 15899  
division (B)(1)(c)(i) or (ii) of this section for a technical 15900  
violation of the conditions of a community control sanction, one 15901  
of the following is applicable with respect to the time that the 15902  
offender spends in prison under the term: 15903

(i) Subject to division (B)(2)(b)(ii) of this section, it 15904  
shall be credited against the offender's community control 15905  
sanction that was being served at the time of the violation, and 15906  
the remaining time under that community control sanction shall be 15907  
reduced by the time that the offender spends in prison under the 15908  
prison term. The offender upon release from the prison term shall 15909  
continue serving the remaining time under the community control 15910  
sanction, as reduced under this division. 15911

(ii) If the offender at the time of the violation was serving 15912  
a community control sanction as part of a suspended prison 15913  
sentence, it shall be credited against the offender's community 15914  
control sanction that was being served at the time of the 15915  
violation and against the suspended prison sentence, and the 15916  
remaining time under that community control sanction and under the 15917  
suspended prison sentence shall be reduced by the time that the 15918  
offender spends in prison under the prison term. The offender upon 15919  
release from the prison term shall continue serving the remaining 15920  
time under the community control sanction, as reduced under this 15921  
division. 15922

(c) A court is not limited in the number of times it may 15923  
sentence an offender to a prison term under division (B)(1)(c) of 15924  
this section for a violation of the conditions of a community 15925  
control sanction or for a violation of a law or leaving the state 15926

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 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~~ a prison term from the range of terms specified in the notice provided to the offender at the sentencing hearing pursuant to division ~~(B)(2)~~(B)(4) 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 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, 15959  
fulfills the conditions of a sanction imposed pursuant to section 15960  
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 15961  
manner, the court may reduce the period of time under the sanction 15962  
or impose a less restrictive sanction, but the court shall not 15963  
permit the offender to violate any law or permit the offender to 15964  
leave the state without the permission of the court or the 15965  
offender's probation officer. 15966

(D)(1) If a court under division (A)(1) of this section 15967  
imposes a condition of release under a community control sanction 15968  
that requires the offender to submit to random drug testing, the 15969  
department of probation, the adult parole authority, or any other 15970  
entity that has general control and supervision of the offender 15971  
under division (A)(2)(a) of this section may cause the offender to 15972  
submit to random drug testing performed by a laboratory or entity 15973  
that has entered into a contract with any of the governmental 15974  
entities or officers authorized to enter into a contract with that 15975  
laboratory or entity under section 341.26, 753.33, or 5120.63 of 15976  
the Revised Code. 15977

(2) If no laboratory or entity described in division (D)(1) 15978  
of this section has entered into a contract as specified in that 15979  
division, the department of probation, the adult parole authority, 15980  
or any other entity that has general control and supervision of 15981  
the offender under division (A)(2)(a) of this section shall cause 15982  
the offender to submit to random drug testing performed by a 15983  
reputable public laboratory to determine whether the individual 15984  
who is the subject of the drug test ingested or was injected with 15985  
a drug of abuse. 15986

(3) A laboratory or entity that has entered into a contract 15987  
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 15988  
shall perform the random drug tests under division (D)(1) of this 15989  
section in accordance with the applicable standards that are 15990

included in the terms of that contract. A public laboratory shall 15991  
perform the random drug tests under division (D)(2) of this 15992  
section in accordance with the standards set forth in the policies 15993  
and procedures established by the department of rehabilitation and 15994  
correction pursuant to section 5120.63 of the Revised Code. An 15995  
offender who is required under division (A)(1) of this section to 15996  
submit to random drug testing as a condition of release under a 15997  
community control sanction and whose test results indicate that 15998  
the offender ingested or was injected with a drug of abuse shall 15999  
pay the fee for the drug test if the department of probation, the 16000  
adult parole authority, or any other entity that has general 16001  
control and supervision of the offender requires payment of a fee. 16002  
A laboratory or entity that performs the random drug testing on an 16003  
offender under division (D)(1) or (2) of this section shall 16004  
transmit the results of the drug test to the appropriate 16005  
department of probation, the adult parole authority, or any other 16006  
entity that has general control and supervision of the offender 16007  
under division (A)(2)(a) of this section. 16008

(E) As used in this section, "technical violation" means a 16009  
violation of the conditions of a community control sanction 16010  
imposed for a felony of the fifth degree, or for a felony of the 16011  
fourth degree that is not an offense of violence and is not a 16012  
sexually oriented offense, and to which neither of the following 16013  
applies: 16014

(1) The violation consists of a new criminal offense that is 16015  
a felony or that is a misdemeanor other than a minor misdemeanor, 16016  
and the violation is committed while under the community control 16017  
sanction. 16018

(2) The violation consists of or includes the offender's 16019  
articulated or demonstrated refusal to participate in the 16020  
community control sanction imposed on the offender or any of its 16021  
conditions, and the refusal demonstrates to the court that the 16022

offender has abandoned the objects of the community control 16023  
sanction or condition. 16024

**Sec. 2929.19.** (A) The court shall hold a sentencing hearing 16025  
before imposing a sentence under this chapter upon an offender who 16026  
was convicted of or pleaded guilty to a felony and before 16027  
resentencing an offender who was convicted of or pleaded guilty to 16028  
a felony and whose case was remanded pursuant to section 2953.07 16029  
or 2953.08 of the Revised Code. At the hearing, the offender, the 16030  
prosecuting attorney, the victim or the victim's representative in 16031  
accordance with section 2930.14 of the Revised Code, and, with the 16032  
approval of the court, any other person may present information 16033  
relevant to the imposition of sentence in the case. The court 16034  
shall inform the offender of the verdict of the jury or finding of 16035  
the court and ask the offender whether the offender has anything 16036  
to say as to why sentence should not be imposed upon the offender. 16037

(B)(1) At the sentencing hearing, the court, before imposing 16038  
sentence, shall consider the record, any information presented at 16039  
the hearing by any person pursuant to division (A) of this 16040  
section, and, if one was prepared, the presentence investigation 16041  
report made pursuant to section 2951.03 of the Revised Code or 16042  
Criminal Rule 32.2, and any victim impact statement made pursuant 16043  
to section 2947.051 of the Revised Code. 16044

(2) Subject to division (B)(3) of this section, if the 16045  
sentencing court determines at the sentencing hearing that a 16046  
prison term is necessary or required, the court shall do all of 16047  
the following: 16048

(a) Impose a stated prison term and, if the court imposes a 16049  
mandatory prison term, notify the offender that the prison term is 16050  
a mandatory prison term; 16051

(b) In addition to any other information, include in the 16052  
sentencing entry the name and section reference to the offense or 16053

offenses, the sentence or sentences imposed and whether the 16054  
sentence or sentences contain mandatory prison terms, if sentences 16055  
are imposed for multiple counts whether the sentences are to be 16056  
served concurrently or consecutively, and the name and section 16057  
reference of any specification or specifications for which 16058  
sentence is imposed and the sentence or sentences imposed for the 16059  
specification or specifications; 16060

(c) If the prison term is a non-life felony indefinite prison 16061  
term, notify the offender of all of the following: 16062

(i) That it is rebuttably presumed that the offender will be 16063  
released from service of the sentence on the expiration of the 16064  
minimum prison term imposed as part of the sentence or on the 16065  
offender's presumptive earned early release date, as defined in 16066  
section 2967.271 of the Revised Code, whichever is earlier; 16067

(ii) That the department of rehabilitation and correction may 16068  
rebut the presumption described in division (B)(2)(c)(i) of this 16069  
section if, at a hearing held under section 2967.271 of the 16070  
Revised Code, the department makes specified determinations 16071  
regarding the offender's conduct while confined, the offender's 16072  
rehabilitation, the offender's threat to society, the offender's 16073  
restrictive housing, if any, while confined, and the offender's 16074  
security classification; 16075

(iii) That if, as described in division (B)(2)(c)(ii) of this 16076  
section, the department at the hearing makes the specified 16077  
determinations and rebuts the presumption, the department may 16078  
maintain the offender's incarceration after the expiration of that 16079  
minimum term or after that presumptive earned early release date 16080  
for the length of time the department determines to be reasonable, 16081  
subject to the limitation specified in section 2967.271 of the 16082  
Revised Code; 16083

(iv) That the department may make the specified 16084

determinations and maintain the offender's incarceration under the provisions described in divisions (B)(2)(c)(i) and (ii) of this section more than one time, subject to the limitation specified in section 2967.271 of the Revised Code;

(v) That if the offender has not been released prior to the expiration of the offender's maximum prison term imposed as part of the sentence, the offender must be released upon the expiration of that term.

(d) Notify the offender that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced, other than to a sentence of life imprisonment, for a felony of the first degree or second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and is not a felony sex offense. This division applies with respect to all prison terms imposed for an offense of a type described in this division, including a non-life felony indefinite prison term and including a term imposed for any offense of a type described in this division that is a risk reduction sentence, as defined in section 2967.28 of the Revised Code. If a court imposes a sentence including a prison term of a type described in division (B)(2)(d) of this section on or after July 11, 2006, the failure of a court to notify the offender pursuant to division (B)(2)(d) of this section that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison or to include in the judgment of conviction entered on the journal a statement to that effect does not negate, limit, or otherwise affect the mandatory period of supervision that is required for the offender under division (B) of section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in division (B)(2)(d) of this section and failed to

notify the offender pursuant to division (B)(2)(d) of this section 16117  
regarding post-release control or to include in the judgment of 16118  
conviction entered on the journal or in the sentence a statement 16119  
regarding post-release control. 16120

(e) Notify the offender that the offender may be supervised 16121  
under section 2967.28 of the Revised Code after the offender 16122  
leaves prison if the offender is being sentenced for a felony of 16123  
the third, fourth, or fifth degree that is not subject to division 16124  
(B)(2)(d) of this section. This division applies with respect to 16125  
all prison terms imposed for an offense of a type described in 16126  
this division, including a term imposed for any such offense that 16127  
is a risk reduction sentence, as defined in section 2967.28 of the 16128  
Revised Code. Section 2929.191 of the Revised Code applies if, 16129  
prior to July 11, 2006, a court imposed a sentence including a 16130  
prison term of a type described in division (B)(2)(e) of this 16131  
section and failed to notify the offender pursuant to division 16132  
(B)(2)(e) of this section regarding post-release control or to 16133  
include in the judgment of conviction entered on the journal or in 16134  
the sentence a statement regarding post-release control. 16135

(f) Notify the offender that, if a period of supervision is 16136  
imposed following the offender's release from prison, as described 16137  
in division (B)(2)(d) or (e) of this section, and if the offender 16138  
violates that supervision or a condition of post-release control 16139  
imposed under division (B) of section 2967.131 of the Revised 16140  
Code, the parole board may impose a prison term, as part of the 16141  
sentence, of up to one-half of the definite prison term originally 16142  
imposed upon the offender as the offender's stated prison term or 16143  
up to one-half of the minimum prison term originally imposed upon 16144  
the offender as part of the offender's stated non-life felony 16145  
indefinite prison term. If a court imposes a sentence including a 16146  
prison term on or after July 11, 2006, the failure of a court to 16147  
notify the offender pursuant to division (B)(2)(f) of this section 16148

that the parole board may impose a prison term as described in 16149  
division (B)(2)(f) of this section for a violation of that 16150  
supervision or a condition of post-release control imposed under 16151  
division (B) of section 2967.131 of the Revised Code or to include 16152  
in the judgment of conviction entered on the journal a statement 16153  
to that effect does not negate, limit, or otherwise affect the 16154  
authority of the parole board to so impose a prison term for a 16155  
violation of that nature if, pursuant to division (D)(1) of 16156  
section 2967.28 of the Revised Code, the parole board notifies the 16157  
offender prior to the offender's release of the board's authority 16158  
to so impose a prison term. Section 2929.191 of the Revised Code 16159  
applies if, prior to July 11, 2006, a court imposed a sentence 16160  
including a prison term and failed to notify the offender pursuant 16161  
to division (B)(2)(f) of this section regarding the possibility of 16162  
the parole board imposing a prison term for a violation of 16163  
supervision or a condition of post-release control. 16164

(g)(i) Determine, notify the offender of, and include in the 16165  
sentencing entry the total number of days, including the 16166  
sentencing date but excluding conveyance time, that the offender 16167  
has been confined for any reason arising out of the offense for 16168  
which the offender is being sentenced and by which the department 16169  
of rehabilitation and correction must reduce the definite prison 16170  
term imposed on the offender as the offender's stated prison term 16171  
or, if the offense is an offense for which a non-life felony 16172  
indefinite prison term is imposed under division (A)(1)(a) or 16173  
(2)(a) of section 2929.14 of the Revised Code, the minimum and 16174  
maximum prison terms imposed on the offender as part of that 16175  
non-life felony indefinite prison term, under section 2967.191 of 16176  
the Revised Code. The court's calculation shall not include the 16177  
number of days, if any, that the offender served in the custody of 16178  
the department of rehabilitation and correction arising out of any 16179  
prior offense for which the prisoner was convicted and sentenced. 16180

(ii) In making a determination under division (B)(2)(g)(i) of this section, the court shall consider the arguments of the parties and conduct a hearing if one is requested.

(iii) The sentencing court retains continuing jurisdiction to correct any error not previously raised at sentencing in making a determination under division (B)(2)(g)(i) of this section. The offender may, at any time after sentencing, file a motion in the sentencing court to correct any error made in making a determination under division (B)(2)(g)(i) of this section, and the court may in its discretion grant or deny that motion. If the court changes the number of days in its determination or redetermination, the court shall cause the entry granting that change to be delivered to the department of rehabilitation and correction without delay. Sections 2931.15 and 2953.21 of the Revised Code do not apply to a motion made under this section.

(iv) An inaccurate determination under division (B)(2)(g)(i) of this section is not grounds for setting aside the offender's conviction or sentence and does not otherwise render the sentence void or voidable.

(v) The department of rehabilitation and correction shall rely upon the latest journal entry of the court in determining the total days of local confinement for purposes of division ~~(B)(2)(f)(i)~~ (B)(2)(g)(i) to (iii) of this section and section 2967.191 of the Revised Code.

(3)(a) The court shall include in the offender's sentence a statement that the offender is a tier III sex offender/child-victim offender, and the court shall comply with the requirements of section 2950.03 of the Revised Code if any of the following apply:

(i) The offender is being sentenced for a violent sex offense or designated homicide, assault, or kidnapping offense that the

offender committed on or after January 1, 1997, and the offender 16212  
is adjudicated a sexually violent predator in relation to that 16213  
offense. 16214

(ii) The offender is being sentenced for a sexually oriented 16215  
offense that the offender committed on or after January 1, 1997, 16216  
and the offender is a tier III sex offender/child-victim offender 16217  
relative to that offense. 16218

(iii) The offender is being sentenced on or after July 31, 16219  
2003, for a child-victim oriented offense, and the offender is a 16220  
tier III sex offender/child-victim offender relative to that 16221  
offense. 16222

(iv) The offender is being sentenced under section 2971.03 of 16223  
the Revised Code for a violation of division (A)(1)(b) of section 16224  
2907.02 of the Revised Code committed on or after January 2, 2007. 16225

(v) The offender is sentenced to a term of life without 16226  
parole under division (B) of section 2907.02 of the Revised Code. 16227

(vi) The offender is being sentenced for attempted rape 16228  
committed on or after January 2, 2007, and a specification of the 16229  
type described in section 2941.1418, 2941.1419, or 2941.1420 of 16230  
the Revised Code. 16231

(vii) The offender is being sentenced under division 16232  
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 16233  
for an offense described in those divisions committed on or after 16234  
January 1, 2008. 16235

(b) Additionally, if any criterion set forth in divisions 16236  
(B)(3)(a)(i) to (vii) of this section is satisfied, in the 16237  
circumstances described in division (E) of section 2929.14 of the 16238  
Revised Code, the court shall impose sentence on the offender as 16239  
described in that division. 16240

(4) If the sentencing court determines at the sentencing 16241

hearing that a community control sanction should be imposed and 16242  
the court is not prohibited from imposing a community control 16243  
sanction, the court shall impose a community control sanction. The 16244  
court shall notify the offender that, if the conditions of the 16245  
sanction are violated, if the offender commits a violation of any 16246  
law, or if the offender leaves this state without the permission 16247  
of the court or the offender's probation officer, the court may 16248  
impose a longer time under the same sanction, may impose a more 16249  
restrictive sanction, or may impose a prison term on the offender 16250  
and shall indicate the ~~specific range from which the~~ prison term 16251  
~~that~~ may be imposed as a sanction for the violation, ~~as selected~~ 16252  
~~by the court from~~ which shall be the range of prison terms for the 16253  
offense that is specified pursuant to section 2929.14 of the 16254  
Revised Code and as described in section 2929.15 of the Revised 16255  
Code. 16256

(5) Before imposing a financial sanction under section 16257  
2929.18 of the Revised Code or a fine under section 2929.32 of the 16258  
Revised Code, the court shall consider the offender's present and 16259  
future ability to pay the amount of the sanction or fine. 16260

(6) If the sentencing court sentences the offender to a 16261  
sanction of confinement pursuant to section 2929.14 or 2929.16 of 16262  
the Revised Code that is to be served in a local detention 16263  
facility, as defined in section 2929.36 of the Revised Code, and 16264  
if the local detention facility is covered by a policy adopted 16265  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 16266  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 16267  
and section 2929.37 of the Revised Code, both of the following 16268  
apply: 16269

(a) The court shall specify both of the following as part of 16270  
the sentence: 16271

(i) If the offender is presented with an itemized bill 16272  
pursuant to section 2929.37 of the Revised Code for payment of the 16273

costs of confinement, the offender is required to pay the bill in 16274  
accordance with that section. 16275

(ii) If the offender does not dispute the bill described in 16276  
division (B)(6)(a)(i) of this section and does not pay the bill by 16277  
the times specified in section 2929.37 of the Revised Code, the 16278  
clerk of the court may issue a certificate of judgment against the 16279  
offender as described in that section. 16280

(b) The sentence automatically includes any certificate of 16281  
judgment issued as described in division (B)(6)(a)(ii) of this 16282  
section. 16283

(7) The failure of the court to notify the offender that a 16284  
prison term is a mandatory prison term pursuant to division 16285  
(B)(2)(a) of this section or to include in the sentencing entry 16286  
any information required by division (B)(2)(b) of this section 16287  
does not affect the validity of the imposed sentence or sentences. 16288  
If the sentencing court notifies the offender at the sentencing 16289  
hearing that a prison term is mandatory but the sentencing entry 16290  
does not specify that the prison term is mandatory, the court may 16291  
complete a corrected journal entry and send copies of the 16292  
corrected entry to the offender and the department of 16293  
rehabilitation and correction, or, at the request of the state, 16294  
the court shall complete a corrected journal entry and send copies 16295  
of the corrected entry to the offender and department of 16296  
rehabilitation and correction. 16297

(C)(1) If the offender is being sentenced for a fourth degree 16298  
felony OVI offense under division (G)(1) of section 2929.13 of the 16299  
Revised Code, the court shall impose the mandatory term of local 16300  
incarceration in accordance with that division, shall impose a 16301  
mandatory fine in accordance with division (B)(3) of section 16302  
2929.18 of the Revised Code, and, in addition, may impose 16303  
additional sanctions as specified in sections 2929.15, 2929.16, 16304  
2929.17, and 2929.18 of the Revised Code. The court shall not 16305

impose a prison term on the offender except that the court may 16306  
impose a prison term upon the offender as provided in division 16307  
(A)(1) of section 2929.13 of the Revised Code. 16308

(2) If the offender is being sentenced for a third or fourth 16309  
degree felony OVI offense under division (G)(2) of section 2929.13 16310  
of the Revised Code, the court shall impose the mandatory prison 16311  
term in accordance with that division, shall impose a mandatory 16312  
fine in accordance with division (B)(3) of section 2929.18 of the 16313  
Revised Code, and, in addition, may impose an additional prison 16314  
term as specified in section 2929.14 of the Revised Code. In 16315  
addition to the mandatory prison term or mandatory prison term and 16316  
additional prison term the court imposes, the court also may 16317  
impose a community control sanction on the offender, but the 16318  
offender shall serve all of the prison terms so imposed prior to 16319  
serving the community control sanction. 16320

(D) The sentencing court, pursuant to division (I)(1) of 16321  
section 2929.14 of the Revised Code, may recommend placement of 16322  
the offender in a program of shock incarceration under section 16323  
5120.031 of the Revised Code or an intensive program prison under 16324  
section 5120.032 of the Revised Code, disapprove placement of the 16325  
offender in a program or prison of that nature, or make no 16326  
recommendation. If the court recommends or disapproves placement, 16327  
it shall make a finding that gives its reasons for its 16328  
recommendation or disapproval. 16329

**Sec. 2929.20.** (A) As used in this section: 16330

(1)(a) Except as provided in division (A)(1)(b) of this 16331  
section, "eligible offender" means any person who, on or after 16332  
April 7, 2009, is serving a stated prison term that includes one 16333  
or more nonmandatory prison terms. 16334

(b) "Eligible offender" does not include any person who, on 16335  
or after April 7, 2009, is serving a stated prison term for any of 16336

the following criminal offenses that was a felony and was 16337  
committed while the person held a public office in this state: 16338

(i) A violation of section 2921.02, 2921.03, 2921.05, 16339  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 16340  
Code; 16341

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 16342  
2921.12 of the Revised Code, when the conduct constituting the 16343  
violation was related to the duties of the offender's public 16344  
office or to the offender's actions as a public official holding 16345  
that public office; 16346

(iii) A violation of an existing or former municipal 16347  
ordinance or law of this or any other state or the United States 16348  
that is substantially equivalent to any violation listed in 16349  
division (A)(1)(b)(i) of this section; 16350

(iv) A violation of an existing or former municipal ordinance 16351  
or law of this or any other state or the United States that is 16352  
substantially equivalent to any violation listed in division 16353  
(A)(1)(b)(ii) of this section, when the conduct constituting the 16354  
violation was related to the duties of the offender's public 16355  
office or to the offender's actions as a public official holding 16356  
that public office; 16357

(v) A conspiracy to commit, attempt to commit, or complicity 16358  
in committing any offense listed in division (A)(1)(b)(i) or 16359  
described in division (A)(1)(b)(iii) of this section; 16360

(vi) A conspiracy to commit, attempt to commit, or complicity 16361  
in committing any offense listed in division (A)(1)(b)(ii) or 16362  
described in division (A)(1)(b)(iv) of this section, if the 16363  
conduct constituting the offense that was the subject of the 16364  
conspiracy, that would have constituted the offense attempted, or 16365  
constituting the offense in which the offender was complicit was 16366  
or would have been related to the duties of the offender's public 16367

office or to the offender's actions as a public official holding  
that public office. 16368  
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(2) "Nonmandatory prison term" means a prison term that is 16370  
not a mandatory prison term. 16371

(3) "Public office" means any elected federal, state, or 16372  
local government office in this state. 16373

(4) "Victim's representative" has the same meaning as in 16374  
section 2930.01 of the Revised Code. 16375

(5) "Imminent danger of death," "medically incapacitated," 16376  
and "terminal illness" have the same meanings as in section 16377  
2967.05 of the Revised Code. 16378

(6) "Aggregated nonmandatory prison term or terms" means the 16379  
aggregate of the following: 16380

(a) All nonmandatory definite prison terms; 16381

(b) With respect to any non-life felony indefinite prison 16382  
term, all nonmandatory minimum prison terms imposed as part of the 16383  
non-life felony indefinite prison term or terms. 16384

(7) "Felony sex offense" means a violation of a section 16385  
contained in Chapter 2907. of the Revised Code that is a felony. 16386

(B) On the motion of an eligible offender or upon its own 16387  
motion, the sentencing court may reduce the eligible offender's 16388  
aggregated nonmandatory prison term or terms through a judicial 16389  
release under this section. 16390

(C) An eligible offender may file a motion for judicial 16391  
release with the sentencing court within the following applicable 16392  
periods: 16393

(1) If the aggregated nonmandatory prison term or terms is 16394  
less than two years, the eligible offender may file the motion at 16395  
any time after the offender is delivered to a state correctional 16396  
institution or, if the prison term includes a mandatory prison 16397

term or terms, at any time after the expiration of all mandatory 16398  
prison terms. 16399

(2) If the aggregated nonmandatory prison term or terms is at 16400  
least two years but less than five years, the eligible offender 16401  
may file the motion not earlier than one hundred eighty days after 16402  
the offender is delivered to a state correctional institution or, 16403  
if the prison term includes a mandatory prison term or terms, not 16404  
earlier than one hundred eighty days after the expiration of all 16405  
mandatory prison terms. 16406

(3) If the aggregated nonmandatory prison term or terms is 16407  
five years, the eligible offender may file the motion not earlier 16408  
than the date on which the eligible offender has served four years 16409  
of the offender's stated prison term or, if the prison term 16410  
includes a mandatory prison term or terms, not earlier than four 16411  
years after the expiration of all mandatory prison terms. 16412

(4) If the aggregated nonmandatory prison term or terms is 16413  
more than five years but not more than ten years, the eligible 16414  
offender may file the motion not earlier than the date on which 16415  
the eligible offender has served five years of the offender's 16416  
stated prison term or, if the prison term includes a mandatory 16417  
prison term or terms, not earlier than five years after the 16418  
expiration of all mandatory prison terms. 16419

(5) If the aggregated nonmandatory prison term or terms is 16420  
more than ten years, the eligible offender may file the motion not 16421  
earlier than the later of the date on which the offender has 16422  
served one-half of the offender's stated prison term or the date 16423  
specified in division (C)(4) of this section. 16424

(D) Upon receipt of a timely motion for judicial release 16425  
filed by an eligible offender under division (C) of this section 16426  
or upon the sentencing court's own motion made within the 16427  
appropriate time specified in that division, the court may deny 16428

the motion without a hearing or schedule a hearing on the motion. 16429  
The court shall not grant the motion without a hearing. If a court 16430  
denies a motion without a hearing, the court later may consider 16431  
judicial release for that eligible offender on a subsequent motion 16432  
filed by that eligible offender unless the court denies the motion 16433  
with prejudice. If a court denies a motion with prejudice, the 16434  
court may later consider judicial release on its own motion. If a 16435  
court denies a motion after a hearing, the court shall not 16436  
consider a subsequent motion for that eligible offender. The court 16437  
shall hold only one hearing for any eligible offender. 16438

A hearing under this section shall be conducted in open court 16439  
not less than thirty or more than sixty days after the motion is 16440  
filed, provided that the court may delay the hearing for one 16441  
hundred eighty additional days. If the court holds a hearing, the 16442  
court shall enter a ruling on the motion within ten days after the 16443  
hearing. If the court denies the motion without a hearing, the 16444  
court shall enter its ruling on the motion within sixty days after 16445  
the motion is filed. 16446

(E) If a court schedules a hearing under division (D) of this 16447  
section, the court shall notify the eligible offender and the head 16448  
of the state correctional institution in which the eligible 16449  
offender is confined prior to the hearing. The head of the state 16450  
correctional institution immediately shall notify the appropriate 16451  
person at the department of rehabilitation and correction of the 16452  
hearing, and the department within twenty-four hours after receipt 16453  
of the notice, shall post on the database it maintains pursuant to 16454  
section 5120.66 of the Revised Code the offender's name and all of 16455  
the information specified in division (A)(1)(c)(i) of that 16456  
section. If the court schedules a hearing for judicial release, 16457  
the court promptly shall give notice of the hearing to the 16458  
prosecuting attorney of the county in which the eligible offender 16459  
was indicted. Upon receipt of the notice from the court, the 16460

prosecuting attorney shall do whichever of the following is applicable: 16461  
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(1) Subject to division (E)(2) of this section, notify the victim of the offense or the victim's representative pursuant to division (B) of section 2930.16 of the Revised Code; 16463  
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(2) If the offense was an offense of violence that is a felony of the first, second, or third degree, except as otherwise provided in this division, notify the victim or the victim's representative of the hearing regardless of whether the victim or victim's representative has requested the notification. The notice of the hearing shall not be given under this division to a victim or victim's representative if the victim or victim's representative has requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the victim or the victim's representative not be provided the notice. If notice is to be provided to a victim or victim's representative under this division, the prosecuting attorney may give the notice by any reasonable means, including regular mail, telephone, and electronic mail, in accordance with division (D)(1) of section 2930.16 of the Revised Code. If the notice is based on an offense committed prior to March 22, 2013, the notice also shall include the opt-out information described in division (D)(1) of section 2930.16 of the Revised Code. The prosecuting attorney, in accordance with division (D)(2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division. Division (E)(2) of this section, and the notice-related provisions of division (K) of this section, division (D)(1) of section 2930.16, division (H) of section 2967.12, division (E)(1)(b) of section 2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) of section 2967.28, and division (A)(2) of section 5149.101 of the Revised Code enacted in the act in which division (E)(2) of this section 16466  
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was enacted, shall be known as "Roberta's Law." 16493

(F) Upon an offender's successful completion of 16494  
rehabilitative activities, the head of the state correctional 16495  
institution may notify the sentencing court of the successful 16496  
completion of the activities. 16497

(G) Prior to the date of the hearing on a motion for judicial 16498  
release under this section, the head of the state correctional 16499  
institution in which the eligible offender is confined shall send 16500  
to the court an institutional summary report on the eligible 16501  
offender's conduct in the institution and in any institution from 16502  
which the eligible offender may have been transferred. Upon the 16503  
request of the prosecuting attorney of the county in which the 16504  
eligible offender was indicted or of any law enforcement agency, 16505  
the head of the state correctional institution, at the same time 16506  
the person sends the institutional summary report to the court, 16507  
also shall send a copy of the report to the requesting prosecuting 16508  
attorney and law enforcement agencies. The institutional summary 16509  
report shall cover the eligible offender's participation in 16510  
school, vocational training, work, treatment, and other 16511  
rehabilitative activities and any disciplinary action taken 16512  
against the eligible offender. The report shall be made part of 16513  
the record of the hearing. A presentence investigation report is 16514  
not required for judicial release. 16515

(H) If the court grants a hearing on a motion for judicial 16516  
release under this section, the eligible offender shall attend the 16517  
hearing if ordered to do so by the court. Upon receipt of a copy 16518  
of the journal entry containing the order, the head of the state 16519  
correctional institution in which the eligible offender is 16520  
incarcerated shall deliver the eligible offender to the sheriff of 16521  
the county in which the hearing is to be held. The sheriff shall 16522  
convey the eligible offender to and from the hearing. 16523

(I) At the hearing on a motion for judicial release under 16524

this section, the court shall afford the eligible offender and the eligible offender's attorney an opportunity to present written and, if present, oral information relevant to the motion. The court shall afford a similar opportunity to the prosecuting attorney, the victim or the victim's representative, and any other person the court determines is likely to present additional relevant information. The court shall consider any statement of a victim made pursuant to section 2930.14 or 2930.17 of the Revised Code, any victim impact statement prepared pursuant to section 2947.051 of the Revised Code, and any report made under division (G) of this section. The court may consider any written statement of any person submitted to the court pursuant to division (L) of this section. After ruling on the motion, the court shall notify the victim of the ruling in accordance with sections 2930.03 and 2930.16 of the Revised Code.

(J)(1) A court shall not grant a judicial release under this section to an eligible offender who is imprisoned for a felony of the first or second degree, or to an eligible offender who committed an offense under Chapter 2925. or 3719. of the Revised Code and for whom there was a presumption under section 2929.13 of the Revised Code in favor of a prison term, unless the court, with reference to factors under section 2929.12 of the Revised Code, finds both of the following:

(a) That a sanction other than a prison term would adequately punish the offender and protect the public from future criminal violations by the eligible offender because the applicable factors indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism;

(b) That a sanction other than a prison term would not demean the seriousness of the offense because factors indicating that the eligible offender's conduct in committing the offense was less serious than conduct normally constituting the offense outweigh

factors indicating that the eligible offender's conduct was more 16557  
serious than conduct normally constituting the offense. 16558

(2) A court that grants a judicial release to an eligible 16559  
offender under division (J)(1) of this section shall specify on 16560  
the record both findings required in that division and also shall 16561  
list all the factors described in that division that were 16562  
presented at the hearing. 16563

(K) If the court grants a motion for judicial release under 16564  
this section, the court shall order the release of the eligible 16565  
offender, shall place the eligible offender under an appropriate 16566  
community control sanction, under appropriate conditions, and 16567  
under the supervision of the department of probation serving the 16568  
court and shall reserve the right to reimpose the sentence that it 16569  
reduced if the offender violates the sanction. If the court 16570  
reimposes the reduced sentence, it may do so either concurrently 16571  
with, or consecutive to, any new sentence imposed upon the 16572  
eligible offender as a result of the violation that is a new 16573  
offense. Except as provided in division (R)(2) of this section, 16574  
the period of community control shall be no longer than five years 16575  
if the most serious offense from which the judicial release is 16576  
granted is a felony of the first, second, or third degree or a 16577  
felony sex offense, no longer than three years if the most serious 16578  
offense from which judicial release is granted is a felony of the 16579  
fourth degree that is not a felony sex offense, and no longer than 16580  
two years if the most serious offense from which the judicial 16581  
release is granted is a felony of the fifth degree that is not a 16582  
felony sex offense. The court, in its discretion, may reduce the 16583  
period of community control by the amount of time the eligible 16584  
offender spent in jail or prison for the offense and in prison. If 16585  
the court made any findings pursuant to division (J)(1) of this 16586  
section, the court shall serve a copy of the findings upon counsel 16587  
for the parties within fifteen days after the date on which the 16588

court grants the motion for judicial release. 16589

If the court grants a motion for judicial release, the court 16590  
shall notify the appropriate person at the department of 16591  
rehabilitation and correction, and the department shall post 16592  
notice of the release on the database it maintains pursuant to 16593  
section 5120.66 of the Revised Code. The court also shall notify 16594  
the prosecuting attorney of the county in which the eligible 16595  
offender was indicted that the motion has been granted. Unless the 16596  
victim or the victim's representative has requested pursuant to 16597  
division (B)(2) of section 2930.03 of the Revised Code that the 16598  
victim or victim's representative not be provided the notice, the 16599  
prosecuting attorney shall notify the victim or the victim's 16600  
representative of the judicial release in any manner, and in 16601  
accordance with the same procedures, pursuant to which the 16602  
prosecuting attorney is authorized to provide notice of the 16603  
hearing pursuant to division (E)(2) of this section. If the notice 16604  
is based on an offense committed prior to March 22, 2013, the 16605  
notice to the victim or victim's representative also shall include 16606  
the opt-out information described in division (D)(1) of section 16607  
2930.16 of the Revised Code. 16608

(L) In addition to and independent of the right of a victim 16609  
to make a statement pursuant to section 2930.14, 2930.17, or 16610  
2946.051 of the Revised Code and any right of a person to present 16611  
written information or make a statement pursuant to division (I) 16612  
of this section, any person may submit to the court, at any time 16613  
prior to the hearing on the offender's motion for judicial 16614  
release, a written statement concerning the effects of the 16615  
offender's crime or crimes, the circumstances surrounding the 16616  
crime or crimes, the manner in which the crime or crimes were 16617  
perpetrated, and the person's opinion as to whether the offender 16618  
should be released. 16619

(M) The changes to this section that are made on September 16620

30, 2011, apply to any judicial release decision made on or after 16621  
September 30, 2011, for any eligible offender. 16622

(N) Notwithstanding the eligibility requirements specified in 16623  
division (A) of this section and the filing time frames specified 16624  
in division (C) of this section and notwithstanding the findings 16625  
required under division (J) of this section, the sentencing court, 16626  
upon the court's own motion and after considering whether the 16627  
release of the offender into society would create undue risk to 16628  
public safety, may grant a judicial release to an offender who is 16629  
not serving a life sentence at any time during the offender's 16630  
imposed sentence when the director of rehabilitation and 16631  
correction certifies to the sentencing court through the chief 16632  
medical officer for the department of rehabilitation and 16633  
correction that the offender is in imminent danger of death, is 16634  
medically incapacitated, or is suffering from a terminal illness. 16635

(O) The director of rehabilitation and correction shall not 16636  
certify any offender under division (N) of this section who is 16637  
serving a death sentence. 16638

(P) A motion made by the court under division (N) of this 16639  
section is subject to the notice, hearing, and other procedural 16640  
requirements specified in divisions (D), (E), (G), (H), (I), (K), 16641  
and (L) of this section, except for the following: 16642

(1) The court may waive the offender's appearance at any 16643  
hearing scheduled by the court if the offender's condition makes 16644  
it impossible for the offender to participate meaningfully in the 16645  
proceeding. 16646

(2) The court may grant the motion without a hearing, 16647  
provided that the prosecuting attorney and victim or victim's 16648  
representative to whom notice of the hearing was provided under 16649  
division (E) of this section indicate that they do not wish to 16650  
participate in the hearing or present information relevant to the 16651

motion. 16652

(Q) The court may request health care records from the 16653  
department of rehabilitation and correction to verify the 16654  
certification made under division (N) of this section. 16655

(R)(1) If the court grants judicial release under division 16656  
(N) of this section, the court shall do all of the following: 16657

(a) Order the release of the offender; 16658

(b) Place the offender under an appropriate community control 16659  
sanction, under appropriate conditions; 16660

(c) Place the offender under the supervision of the 16661  
department of probation serving the court or under the supervision 16662  
of the adult parole authority. 16663

(2) The court, in its discretion, may revoke the judicial 16664  
release if the offender violates the community control sanction 16665  
described in division (R)(1) of this section. The period of that 16666  
community control is not subject to the ~~five year limitation~~ 16667  
limitations on duration described in division (K) of this section 16668  
and shall not expire earlier than the date on which all of the 16669  
offender's mandatory prison terms expire. 16670

(S) If the health of an offender who is released under 16671  
division (N) of this section improves so that the offender is no 16672  
longer terminally ill, medically incapacitated, or in imminent 16673  
danger of death, the court shall, upon the court's own motion, 16674  
revoke the judicial release. The court shall not grant the motion 16675  
without a hearing unless the offender waives a hearing. If a 16676  
hearing is held, the court shall afford the offender and the 16677  
offender's attorney an opportunity to present written and, if the 16678  
offender or the offender's attorney is present, oral information 16679  
relevant to the motion. The court shall afford a similar 16680  
opportunity to the prosecuting attorney, the victim or the 16681  
victim's representative, and any other person the court determines 16682

is likely to present additional relevant information. A court that 16683  
grants a motion under this division shall specify its findings on 16684  
the record. 16685

**Sec. 2929.25.** (A)(1) Except as provided in sections 2929.22 16686  
and 2929.23 of the Revised Code or when a jail term is required by 16687  
law, in sentencing an offender for a misdemeanor, other than a 16688  
minor misdemeanor, the sentencing court may do either of the 16689  
following: 16690

(a) Directly impose a sentence that consists of one or more 16691  
community control sanctions authorized by section 2929.26, 16692  
2929.27, or 2929.28 of the Revised Code. The court may impose any 16693  
other conditions of release under a community control sanction 16694  
that the court considers appropriate. If the court imposes a jail 16695  
term ~~upon~~ on the offender, the court may impose any community 16696  
control sanction or combination of community control sanctions in 16697  
addition to the jail term. 16698

(b) Impose a jail term under section 2929.24 of the Revised 16699  
Code from the range of jail terms authorized under that section 16700  
for the offense, suspend all or a portion of the jail term 16701  
imposed, and place the offender under a community control sanction 16702  
or combination of community control sanctions authorized under 16703  
section 2929.26, 2929.27, or 2929.28 of the Revised Code. 16704

(2) The duration of all community control sanctions imposed 16705  
~~upon~~ on an offender and in effect for an offender at any time 16706  
shall not exceed ~~five~~ two years. 16707

(3) At sentencing, if a court directly imposes a community 16708  
control sanction or combination of community control sanctions 16709  
pursuant to division (A)(1)(a) or (B) of this section, the court 16710  
shall state the duration of the community control sanctions 16711  
imposed and shall notify the offender that if any of the 16712  
conditions of the community control sanctions are violated the 16713

court may do any of the following: 16714

(a) Impose a longer time under the same community control 16715  
sanction if the total time under all of the offender's community 16716  
control sanctions does not exceed the ~~five-year~~ two-year limit 16717  
specified in division (A)(2) of this section; 16718

(b) Impose a more restrictive community control sanction 16719  
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 16720  
but the court is not required to impose any particular sanction or 16721  
sanctions; 16722

(c) Impose a definite jail term from the range of jail terms 16723  
authorized for the offense under section 2929.24 of the Revised 16724  
Code. 16725

(B) If a court sentences an offender to any community control 16726  
sanction or combination of community control sanctions pursuant to 16727  
division (A)(1)(a) of this section, the sentencing court retains 16728  
jurisdiction over the offender and the period of community control 16729  
for the duration of the period of community control. Upon the 16730  
motion of either party or on the court's own motion, the court, in 16731  
the court's sole discretion and as the circumstances warrant, may 16732  
modify the community control sanctions or conditions of release 16733  
previously imposed, substitute a community control sanction or 16734  
condition of release for another community control sanction or 16735  
condition of release previously imposed, or impose an additional 16736  
community control sanction or condition of release. 16737

(C)(1) If a court sentences an offender to any community 16738  
control sanction or combination of community control sanctions 16739  
authorized under section 2929.26, 2929.27, or 2929.28 of the 16740  
Revised Code, the court shall place the offender under the general 16741  
control and supervision of the court or of a department of 16742  
probation in the jurisdiction that serves the court for purposes 16743  
of reporting to the court a violation of any of the conditions of 16744

the sanctions imposed. If the offender resides in another 16745  
jurisdiction and a department of probation has been established to 16746  
serve the municipal court or county court in that jurisdiction, 16747  
the sentencing court may request the municipal court or the county 16748  
court to receive the offender into the general control and 16749  
supervision of that department of probation for purposes of 16750  
reporting to the sentencing court a violation of any of the 16751  
conditions of the sanctions imposed. The sentencing court retains 16752  
jurisdiction over any offender whom it sentences for the duration 16753  
of the sanction or sanctions imposed. 16754

(2) The sentencing court shall require as a condition of any 16755  
community control sanction that the offender abide by the law and 16756  
not leave the state without the permission of the court or the 16757  
offender's probation officer. In the interests of doing justice, 16758  
rehabilitating the offender, and ensuring the offender's good 16759  
behavior, the court may impose additional requirements on the 16760  
offender. The offender's compliance with the additional 16761  
requirements also shall be a condition of the community control 16762  
sanction imposed upon the offender. 16763

(D)(1) If the court imposing sentence ~~upon~~ on an offender 16764  
sentences the offender to any community control sanction or 16765  
combination of community control sanctions authorized under 16766  
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 16767  
the offender violates any of the conditions of the sanctions, the 16768  
public or private person or entity that supervises or administers 16769  
the program or activity that comprises the sanction shall report 16770  
the violation directly to the sentencing court or to the 16771  
department of probation or probation officer with general control 16772  
and supervision over the offender. If the public or private person 16773  
or entity reports the violation to the department of probation or 16774  
probation officer, the department or officer shall report the 16775  
violation to the sentencing court. 16776

(2) If an offender violates any condition of a community control sanction, the sentencing court may impose upon the violator one or more of the following penalties:

(a) A longer time under the same community control sanction if the total time under all of the community control sanctions imposed on the violator does not exceed the ~~five-year~~ two-year limit specified in division (A)(2) of this section;

(b) A more restrictive community control sanction;

(c) A combination of community control sanctions, including a jail term.

(3) 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 (D)(2) of this section.

(4) If the court imposes a jail term ~~upon~~ on a violator pursuant to division (D)(2) of this section, the total time spent in jail for the misdemeanor offense and the violation of a condition of the community control sanction shall not exceed the maximum jail term available for the offense for which the sanction that was violated was imposed. The court may reduce the longer period of time that the violator is required to spend under the longer sanction or the more restrictive sanction imposed under division (D)(2) of this section by all or part of the time the violator successfully spent under the sanction that was initially

imposed. 16808

(E) Except as otherwise provided in this division, if an 16809  
offender, for a significant period of time, fulfills the 16810  
conditions of a community control sanction imposed pursuant to 16811  
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 16812  
exemplary manner, the court may reduce the period of time under 16813  
the community control sanction or impose a less restrictive 16814  
community control sanction. Fulfilling the conditions of a 16815  
community control sanction does not relieve the offender of a duty 16816  
to make restitution under section 2929.28 of the Revised Code. 16817

**Sec. 2935.01.** As used in this chapter: 16818

(A) "Magistrate" has the same meaning as in section 2931.01 16819  
of the Revised Code. 16820

(B) "Peace officer" includes, except as provided in section 16821  
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 16822  
deputy marshal; member of the organized police department of any 16823  
municipal corporation, including a member of the organized police 16824  
department of a municipal corporation in an adjoining state 16825  
serving in Ohio under a contract pursuant to section 737.04 of the 16826  
Revised Code; member of a police force employed by a metropolitan 16827  
housing authority under division (D) of section 3735.31 of the 16828  
Revised Code; member of a police force employed by a regional 16829  
transit authority under division (Y) of section 306.05 of the 16830  
Revised Code; state university law enforcement officer appointed 16831  
under section 3345.04 of the Revised Code; enforcement agent of 16832  
the department of public safety designated under section 5502.14 16833  
of the Revised Code; employee of the department of taxation to 16834  
whom investigation powers have been delegated under section 16835  
5743.45 of the Revised Code; employee of the department of natural 16836  
resources who is a natural resources law enforcement staff officer 16837  
designated pursuant to section 1501.013 of the Revised Code, a 16838

forest-fire investigator appointed pursuant to section 1503.09 of 16839  
the Revised Code, a natural resources officer appointed pursuant 16840  
to section 1501.24 of the Revised Code, or a wildlife officer 16841  
designated pursuant to section 1531.13 of the Revised Code; 16842  
individual designated to perform law enforcement duties under 16843  
section 511.232, 1545.13, or 6101.75 of the Revised Code; 16844  
veterans' home police officer appointed under section 5907.02 of 16845  
the Revised Code; special police officer employed by a port 16846  
authority under section 4582.04 or 4582.28 of the Revised Code; 16847  
police constable of any township; police officer of a township or 16848  
joint police district; a special police officer employed by a 16849  
municipal corporation at a municipal airport, or other municipal 16850  
air navigation facility, that has scheduled operations, as defined 16851  
in section 119.3 of Title 14 of the Code of Federal Regulations, 16852  
14 C.F.R. 119.3, as amended, and that is required to be under a 16853  
security program and is governed by aviation security rules of the 16854  
transportation security administration of the United States 16855  
department of transportation as provided in Parts 1542. and 1544. 16856  
of Title 49 of the Code of Federal Regulations, as amended; the 16857  
house of representatives sergeant at arms if the house of 16858  
representatives sergeant at arms has arrest authority pursuant to 16859  
division (E)(1) of section 101.311 of the Revised Code; an 16860  
assistant house of representatives sergeant at arms; the senate 16861  
sergeant at arms; an assistant senate sergeant at arms; officer or 16862  
employee of the bureau of criminal identification and 16863  
investigation established pursuant to section 109.51 of the 16864  
Revised Code who has been awarded a certificate by the executive 16865  
director of the Ohio peace officer training commission attesting 16866  
to the officer's or employee's satisfactory completion of an 16867  
approved state, county, municipal, or department of natural 16868  
resources peace officer basic training program and who is 16869  
providing assistance upon request to a law enforcement officer or 16870  
emergency assistance to a peace officer pursuant to section 109.54 16871

or 109.541 of the Revised Code; a state fire marshal law 16872  
enforcement officer described in division (A)(23) of section 16873  
109.71 of the Revised Code; and, for the purpose of arrests within 16874  
those areas, for the purposes of Chapter 5503. of the Revised 16875  
Code, and the filing of and service of process relating to those 16876  
offenses witnessed or investigated by them, the superintendent and 16877  
troopers of the state highway patrol. 16878

(C) "Prosecutor" includes the county prosecuting attorney and 16879  
any assistant prosecutor designated to assist the county 16880  
prosecuting attorney, and, in the case of courts inferior to 16881  
courts of common pleas, includes the village solicitor, city 16882  
director of law, or similar chief legal officer of a municipal 16883  
corporation, any such officer's assistants, or any attorney 16884  
designated by the prosecuting attorney of the county to appear for 16885  
the prosecution of a given case. 16886

(D) "Offense," except where the context specifically 16887  
indicates otherwise, includes felonies, misdemeanors, and 16888  
violations of ordinances of municipal corporations and other 16889  
public bodies authorized by law to adopt penal regulations. 16890

(E) "Tier one offense" means a violation of section 2903.01, 16891  
2903.02, 2903.03, 2903.04, 2903.06, 2903.11, 2903.12, 2903.21, 16892  
2903.211, 2905.01, 2905.02, 2905.32, 2907.02, 2907.03, 2907.04, 16893  
2907.05, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.24, 16894  
2911.01, 2911.02, 2911.11, 2919.25, 2921.34, 2923.161, 2950.04, 16895  
2950.041, 2950.05, or 2950.06 of the Revised Code. 16896

**Sec. 2935.10.** (A) Upon the filing of an affidavit or 16897  
complaint as provided by section 2935.09 of the Revised Code, if 16898  
it charges the commission of a felony, such judge, clerk, or 16899  
magistrate, unless ~~he~~ the judge, clerk, or magistrate has reason 16900  
to believe that it was not filed in good faith, or the claim is 16901  
not meritorious, shall forthwith issue a warrant for the arrest of 16902

the person charged in the affidavit, and directed to a peace officer; otherwise ~~he~~ the judge, clerk, or magistrate shall forthwith refer the matter to the prosecuting attorney or other attorney charged by law with prosecution for investigation prior to the issuance of warrant.

(B) If the offense charged is a misdemeanor or violation of a municipal ordinance, such judge, clerk, or magistrate may:

(1) Issue a warrant for the arrest of such person, directed to any officer named in section 2935.03 of the Revised Code but in cases of ordinance violation only to a police officer or marshal or deputy marshal of the municipal corporation;

(2) Issue summons, to be served by a peace officer, bailiff, or court constable, commanding the person against whom the affidavit or complaint was filed to appear forthwith, or at a fixed time in the future, before such court or magistrate. Such summons shall be served in the same manner as in civil cases.

(C) If the affidavit is filed by, or the complaint is filed pursuant to an affidavit executed by, a peace officer who has, at ~~his~~ the officer's discretion, at the time of commission of the alleged offense, notified the person to appear before the court or magistrate at a specific time set by such officer, no process need be issued unless the defendant fails to appear at the scheduled time.

(D) Any person charged with a misdemeanor or violation of a municipal ordinance may give bail as provided in sections 2937.22 to 2937.46 of the Revised Code, for ~~his~~ the person's appearance, regardless of whether a warrant, summons, or notice to appear has been issued.

(E) Any warrant, summons, or any notice issued by the peace officer shall state the substance of the charge against the person arrested or directed to appear.

(F) When the offense charged is a misdemeanor, and the warrant or summons issued pursuant to this section is not served within two years of the date of issue, a judge or magistrate may order such warrant or summons withdrawn and the case closed, when it does not appear that the ends of justice require keeping the case open.

(G)(1) Any warrant issued for a tier one offense shall be entered, by the law enforcement agency requesting the warrant and within forty-eight hours of receipt of the warrant, into the law enforcement automated data system created by section 5503.10 of the Revised Code, and known as LEADS, and the appropriate database of the national crime information center (NCIC) maintained by the federal bureau of investigation.

(2) All warrants issued for tier one offenses shall be entered, by the law enforcement agency that receives the warrant with a full extradition radius as defined by the Ohio LEADS administrator, into the law enforcement automated data system created by section 5503.10 of the Revised Code, and known as LEADS.

**Sec. 2941.141.** (A) Imposition of a one-year mandatory prison term ~~upon~~ on an offender under division (B)(1)(a)(iii) of section 2929.14 of the Revised Code is precluded unless the indictment, count in the indictment, or information charging the offense specifies that the offender had a firearm on or about the offender's person or under the offender's control while committing the offense. The specification shall be stated at the end of the body of the indictment, count, or information, and shall be in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth

that the offender had a firearm on or about the offender's person 16965  
or under the offender's control while committing the offense.)" 16966

(B) Imposition of a one-year mandatory prison term ~~upon~~ on an 16967  
offender under division (B)(1)(a)(iii) of section 2929.14 of the 16968  
Revised Code is precluded if a court imposes an eighteen-month, 16969  
three-year, four-year, fifty-four-month, five-year, sixty-six 16970  
month, six-year, seventy-eight month, or nine-year mandatory 16971  
prison term on the offender under division (B)(1)(a)(i), (ii), 16972  
(iv), (v), or (vi) of that section relative to the same felony. 16973

(C) The specification described in division (A) of this 16974  
section may be used in a delinquent child proceeding in the manner 16975  
and for the purpose described in section 2152.17 of the Revised 16976  
Code. 16977

(D) Imposition of an eighteen-month mandatory prison term 16978  
~~upon~~ on an offender under division (B)(1)(a)(vi) of section 16979  
2929.14 of the Revised Code is precluded unless the indictment, 16980  
count in the indictment, or information charging the offense 16981  
specifies that the offender had a firearm on or about the 16982  
offender's person or under the offender's control while committing 16983  
the offense and that the offender previously had been convicted of 16984  
or pleaded guilty to a firearm specification of the type described 16985  
in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 16986  
the Revised Code. The specification shall be stated at the end of 16987  
the body of the indictment, count, or information, and shall be in 16988  
substantially the following form: 16989

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 16990  
Grand Jurors (or insert the person's or prosecuting attorney's 16991  
name when appropriate) further find and specify that (set forth 16992  
that the offender had a firearm on or about the offender's person 16993  
or under the offender's control while committing the offense and 16994  
that the offender previously has been convicted of or pleaded 16995  
guilty to a firearm specification of the type described in section 16996

2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code.)" 16997  
16998

(E) Imposition of an eighteen-month mandatory prison term ~~upon~~ on an offender under division (B)(1)(a)(vi) of section 2929.14 of the Revised Code is precluded if the court imposes a one-year, three-year, four-year, fifty-four-month, five-year, sixty-six month, six-year, seventy-eight month, or nine-year mandatory prison term on the offender under division (B)(1)(a)(i), (ii), (iii), (iv), or (v) of that section relative to the same felony. 16999  
17000  
17001  
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(F) As used in this section, "firearm" has the same meaning as in section 2923.11 of the Revised Code. 17007  
17008

**Sec. 2941.144.** (A) Imposition of a six-year mandatory prison term ~~upon~~ on an offender under division (B)(1)(a)(i) of section 2929.14 of the Revised Code is precluded unless the indictment, count in the indictment, or information charging the offense specifies that the offender had a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense. The specification shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form: 17009  
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"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender had a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense)." 17019  
17020  
17021  
17022  
17023  
17024  
17025

(B) Imposition of a six-year mandatory prison term ~~upon~~ on an offender under division (B)(1)(a)(i) of section 2929.14 of the 17026  
17027

Revised Code is precluded if a court imposes a one-year, 17028  
eighteen-month, three-year, four-year, fifty-four-month, 17029  
five-year, sixty-six month, seventy-eight month, or nine-year 17030  
mandatory prison term on the offender under division 17031  
(B)(1)(a)(ii), (iii), (iv), (v), or (vi) of that section relative 17032  
to the same felony. 17033

(C) The specification described in division (A) of this 17034  
section may be used in a delinquent child proceeding in the manner 17035  
and for the purpose described in section 2152.17 of the Revised 17036  
Code. 17037

(D) Imposition of a nine-year mandatory prison term ~~upon~~ on 17038  
an offender under division (B)(1)(a)(iv) of section 2929.14 of the 17039  
Revised Code is precluded unless the indictment, count in the 17040  
indictment, or information charging the offense specifies that the 17041  
offender had a firearm that is an automatic firearm or that was 17042  
equipped with a firearm muffler or suppressor on or about the 17043  
offender's person or under the offender's control while committing 17044  
the offense and that the offender previously has been convicted of 17045  
or pleaded guilty to a firearm specification of the type described 17046  
in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 17047  
the Revised Code. The specification shall be stated at the end of 17048  
the body of the indictment, count, or information, and shall be in 17049  
substantially the following form: 17050

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 17051  
Grand Jurors (or insert the person's or the prosecuting attorney's 17052  
name when appropriate) further find and specify that (set forth 17053  
that the offender had a firearm that is an automatic firearm or 17054  
that was equipped with a firearm muffler or suppressor on or about 17055  
the offender's person or under the offender's control while 17056  
committing the offense and that the offender previously has been 17057  
convicted of or pleaded guilty to a firearm specification of the 17058  
type described in section 2941.141, 2941.144, 2941.145, 2941.146, 17059

or 2941.1412 of the Revised Code.)" 17060

(E) Imposition of a nine-year mandatory prison term ~~upon~~ on 17061  
an offender under division (B)(1)(a)(iv) of section 2929.14 of the 17062  
Revised Code is precluded if the court imposes a one-year, 17063  
eighteen-month, three-year, four-year, fifty-four-month, ~~or~~ 17064  
five-year, sixty-six month, six-year, or seventy-eight month 17065  
mandatory prison term on the offender under division (B)(1)(a)(i), 17066  
(ii), (iii), (v), or (vi) of that section relative to the same 17067  
felony. 17068

(F) As used in this section, "firearm" and "automatic 17069  
firearm" have the same meanings as in section 2923.11 of the 17070  
Revised Code. 17071

**Sec. 2941.145.** (A) Imposition of a three-year, four-year, or 17072  
five-year mandatory prison term ~~upon~~ on an offender under division 17073  
(B)(1)(a)(ii) of section 2929.14 of the Revised Code is precluded 17074  
unless the indictment, count in the indictment, or information 17075  
charging the offense specifies that the offender had a firearm on 17076  
or about the offender's person or under the offender's control 17077  
while committing the offense and displayed the firearm, brandished 17078  
the firearm, indicated that the offender possessed the firearm, or 17079  
used it to facilitate the offense. The specification shall be 17080  
stated at the end of the body of the indictment, count, or 17081  
information, and shall be stated in substantially the following 17082  
form: 17083

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 17084  
Grand Jurors (or insert the person's or the prosecuting attorney's 17085  
name when appropriate) further find and specify that (set forth 17086  
that the offender had a firearm on or about the offender's person 17087  
or under the offender's control while committing the offense and 17088  
displayed the firearm, brandished the firearm, indicated that the 17089  
offender possessed the firearm, or used it to facilitate the 17090

offense)." 17091

(B) Imposition of a three-year, ~~four-year, or five-year~~ 17092  
mandatory prison term ~~upon~~ on an offender under division 17093  
(B)(1)(a)(ii) of section 2929.14 of the Revised Code is precluded 17094  
if a court imposes a one-year, eighteen-month, ~~six-year,~~ 17095  
fifty-four-month, ~~sixty-six month, six-year, seventy-eight month,~~ 17096  
or nine-year mandatory prison term on the offender under division 17097  
(B)(1)(a)(i), (iii), (iv), (v), or (vi) of that section relative 17098  
to the same felony. 17099

(C) The specification described in division (A) of this 17100  
section may be used in a delinquent child proceeding in the manner 17101  
and for the purpose described in section 2152.17 of the Revised 17102  
Code. 17103

(D) Imposition of a mandatory prison term of fifty-four 17104  
months ~~upon~~, sixty-six months, or seventy-eight months on an 17105  
offender under division (B)(1)(a)(v) of section 2929.14 of the 17106  
Revised Code is precluded unless the indictment, count in the 17107  
indictment, or information charging the offense specifies that the 17108  
offender had a firearm on or about the offender's person or under 17109  
the offender's control while committing the offense and displayed 17110  
the firearm, brandished the firearm, indicated that the offender 17111  
possessed a firearm, or used the firearm to facilitate the offense 17112  
and that the offender previously has been convicted of or pleaded 17113  
guilty to a firearm specification of the type described in section 17114  
2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the 17115  
Revised Code. The specification shall be stated at the end of the 17116  
body of the indictment, count, or information, and shall be in 17117  
substantially the following form: 17118

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 17119  
Grand Jurors (or insert the person's or the prosecuting attorney's 17120  
name when appropriate) further find and specify that (set forth 17121  
that the offender had a firearm on or about the offender's person 17122

or under the offender's control while committing the offense and 17123  
displayed the firearm, brandished the firearm, indicated that the 17124  
offender possessed a firearm, or used the firearm to facilitate 17125  
the offense and that the offender previously has been convicted of 17126  
or pleaded guilty to a firearm specification of the type described 17127  
in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 17128  
the Revised Code.)" 17129

(E) Imposition of a mandatory prison term of fifty-four 17130  
months ~~upon~~, sixty-six months, or seventy-eight months on an 17131  
offender under division (B)(1)(a)(v) of section 2929.14 of the 17132  
Revised Code is precluded if the court imposes a one-year, 17133  
eighteen-month, three-year, four-year, five-year, six-year, or 17134  
nine-year mandatory prison term on the offender under division 17135  
(B)(1)(a)(i), (ii), (iii), (iv), or (vi) of that section relative 17136  
to the same felony. 17137

(F) As used in this section, "firearm" has the same meaning 17138  
as in section 2923.11 of the Revised Code. 17139

**Sec. 2941.145.** (A) Imposition of a three-year, four-year, or 17140  
five-year mandatory prison term ~~upon~~ on an offender under division 17141  
(B)(1)(a)(ii) of section 2929.14 of the Revised Code is precluded 17142  
unless the indictment, count in the indictment, or information 17143  
charging the offense specifies that the offender had a firearm on 17144  
or about the offender's person or under the offender's control 17145  
while committing the offense and displayed the firearm, brandished 17146  
the firearm, indicated that the offender possessed the firearm, or 17147  
used it to facilitate the offense. The specification shall be 17148  
stated at the end of the body of the indictment, count, or 17149  
information, and shall be stated in substantially the following 17150  
form: 17151

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 17152  
Grand Jurors (or insert the person's or the prosecuting attorney's 17153

name when appropriate) further find and specify that (set forth 17154  
that the offender had a firearm on or about the offender's person 17155  
or under the offender's control while committing the offense and 17156  
displayed the firearm, brandished the firearm, indicated that the 17157  
offender possessed the firearm, or used it to facilitate the 17158  
offense)."

(B) Imposition of a three-year, four-year, or five-year 17160  
mandatory prison term ~~upon~~ on an offender under division 17161  
(B)(1)(a)(ii) of section 2929.14 of the Revised Code is precluded 17162  
if a court imposes a one-year, eighteen-month, ~~six-year,~~ 17163  
fifty-four-month, sixty-six month, six-year, seventy-eight month, 17164  
or nine-year mandatory prison term on the offender under division 17165  
(B)(1)(a)(i), (iii), (iv), (v), or (vi) of that section relative 17166  
to the same felony. 17167

(C) The specification described in division (A) of this 17168  
section may be used in a delinquent child proceeding in the manner 17169  
and for the purpose described in section 2152.17 of the Revised 17170  
Code. 17171

(D) Imposition of a mandatory prison term of fifty-four 17172  
months ~~upon,~~ sixty-six months, or seventy-eight months on an 17173  
offender under division (B)(1)(a)(v) of section 2929.14 of the 17174  
Revised Code is precluded unless the indictment, count in the 17175  
indictment, or information charging the offense specifies that the 17176  
offender had a firearm on or about the offender's person or under 17177  
the offender's control while committing the offense and displayed 17178  
the firearm, brandished the firearm, indicated that the offender 17179  
possessed a firearm, or used the firearm to facilitate the offense 17180  
and that the offender previously has been convicted of or pleaded 17181  
guilty to a firearm specification of the type described in section 17182  
2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the 17183  
Revised Code. The specification shall be stated at the end of the 17184  
body of the indictment, count, or information, and shall be in 17185

substantially the following form: 17186

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 17187  
Grand Jurors (or insert the person's or the prosecuting attorney's 17188  
name when appropriate) further find and specify that (set forth 17189  
that the offender had a firearm on or about the offender's person 17190  
or under the offender's control while committing the offense and 17191  
displayed the firearm, brandished the firearm, indicated that the 17192  
offender possessed a firearm, or used the firearm to facilitate 17193  
the offense and that the offender previously has been convicted of 17194  
or pleaded guilty to a firearm specification of the type described 17195  
in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 17196  
the Revised Code.)" 17197

(E) Imposition of a mandatory prison term of fifty-four 17198  
months ~~upon, sixty-six months, or seventy-eight months on~~ an 17199  
offender under division (B)(1)(a)(v) of section 2929.14 of the 17200  
Revised Code is precluded if the court imposes a one-year, 17201  
eighteen-month, three-year, four-year, five-year, six-year, or 17202  
nine-year mandatory prison term on the offender under division 17203  
(B)(1)(a)(i), (ii), (iii), (iv), or (vi) of that section relative 17204  
to the same felony. 17205

(F) As used in this section, "firearm" has the same meaning 17206  
as in section 2923.11 of the Revised Code. 17207

**Sec. 2945.403.** (A)(1) Notwithstanding any provision of the 17208  
Revised Code to the contrary, if, on or after the effective date 17209  
of this section, an individual is found by a court to be 17210  
incompetent to stand trial or not guilty by reason of insanity 17211  
under procedures described in sections 2945.38 to 2945.402 of the 17212  
Revised Code, the judge who made the determination shall notify 17213  
the office of the attorney general, on the form described in 17214  
division (C) of this section, of the identity of the individual. 17215  
The notification shall be transmitted by the judge not later than 17216

seven days after the adjudication or commitment. 17217

(2) If a judge provides a notice to the attorney general 17218  
under division (A)(1) of this section regarding an individual and 17219  
if the individual subsequently is found to be competent under 17220  
section 2945.38 of the Revised Code, is discharged under section 17221  
2945.39 of the Revised Code, is discharged under section 2945.40 17222  
of the Revised Code, or has a final termination of commitment 17223  
under section 2945.401 of the Revised Code, the judge shall notify 17224  
the office of the attorney general, on the form described in 17225  
division (C) of this section, of the identity of the individual 17226  
and of the finding, discharge, or final termination. The 17227  
notification shall be transmitted by the judge not later than 17228  
seven days after the finding, discharge, or final termination. 17229

(B)(1) Upon receipt of any notice under division (A)(1) of 17230  
this section with respect to a person, the attorney general shall 17231  
enter the information in the notice into the law enforcement 17232  
automated data system created by section 5503.10 of the Revised 17233  
Code, and known as LEADS, by the close of the next business day 17234  
after the day on which the notice is received. 17235

(2) Upon receipt of any notice under division (A)(2) of this 17236  
section with respect to a person, the attorney general shall take 17237  
all steps necessary to ensure that the information in the notice 17238  
previously received under division (A)(1) of this section with 17239  
respect to the person is removed from LEADS by the close of the 17240  
next business day after the day on which the notice is received 17241  
and that it is terminated, cleared, or canceled in the database of 17242  
the national crime information center (NCIC) maintained by the 17243  
federal bureau of investigation in which it is maintained. 17244

(C) The attorney general, by rule adopted under Chapter 119. 17245  
of the Revised Code, shall prescribe and make available to all 17246  
judges forms to be used by them for the purpose of making the 17247

notifications required by divisions (A)(1) and (2) of this 17248  
section. 17249

**Sec. 2953.25.** (A) As used in this section: 17250

(1) "Collateral sanction" means a penalty, disability, or 17251  
disadvantage that is related to employment or occupational 17252  
licensing, however denominated, as a result of the individual's 17253  
conviction of or plea of guilty to an offense and that applies by 17254  
operation of law in this state whether or not the penalty, 17255  
disability, or disadvantage is included in the sentence or 17256  
judgment imposed. 17257

"Collateral sanction" does not include imprisonment, 17258  
probation, parole, supervised release, forfeiture, restitution, 17259  
fine, assessment, or costs of prosecution. 17260

(2) "Decision-maker" includes, but is not limited to, the 17261  
state acting through a department, agency, board, commission, or 17262  
instrumentality established by the law of this state for the 17263  
exercise of any function of government, a political subdivision, 17264  
an educational institution, or a government contractor or 17265  
subcontractor made subject to this section by contract, law, or 17266  
ordinance. 17267

(3) "Department-funded program" means a residential or 17268  
nonresidential program that is not a term in a state correctional 17269  
institution, that is funded in whole or part by the department of 17270  
rehabilitation and correction, and that is imposed as a sanction 17271  
for an offense, as part of a sanction that is imposed for an 17272  
offense, or as a term or condition of any sanction that is imposed 17273  
for an offense. 17274

(4) "Designee" means the person designated by the deputy 17275  
director of the division of parole and community services to 17276  
perform the duties designated in division (B) of this section. 17277

(5) "Division of parole and community services" means the	17278
division of parole and community services of the department of	17279
rehabilitation and correction.	17280
(6) "Offense" means any felony or misdemeanor under the laws	17281
of this state.	17282
(7) "Political subdivision" has the same meaning as in	17283
section 2969.21 of the Revised Code.	17284
(8) "Discretionary civil impact," "licensing agency," and	17285
"mandatory civil impact" have the same meanings as in section	17286
2961.21 of the Revised Code.	17287
(B)(1) An individual who is subject to one or more collateral	17288
sanctions as a result of being convicted of or pleading guilty to	17289
an offense and who either has served a term in a state	17290
correctional institution for any offense or has spent time in a	17291
department-funded program for any offense may file a petition with	17292
the designee of the deputy director of the division of parole and	17293
community services for a certificate of qualification for	17294
employment.	17295
(2) An individual who is subject to one or more collateral	17296
sanctions as a result of being convicted of or pleading guilty to	17297
an offense and who is not in a category described in division	17298
(B)(1) of this section may file for a certificate of qualification	17299
for employment by doing either of the following:	17300
(a) In the case of an individual who resides in this state,	17301
filing a petition with the court of common pleas of the county in	17302
which the person resides or with the designee of the deputy	17303
director of the division of parole and community services;	17304
(b) In the case of an individual who resides outside of this	17305
state, filing a petition with the court of common pleas of any	17306
county in which any conviction or plea of guilty from which the	17307
individual seeks relief was entered or with the designee of the	17308

deputy director of the division of parole and community services. 17309

(3) A petition under division (B)(1) or (2) of this section 17310  
shall be made on a copy of the form prescribed by the division of 17311  
parole and community services under division (J) of this section, 17312  
shall contain all of the information described in division (F) of 17313  
this section, and, except as provided in division (B)(6) of this 17314  
section, shall be accompanied by an application fee of fifty 17315  
dollars. 17316

(4)(a) Except as provided in division (B)(4)(b) of this 17317  
section, an individual may file a petition under division (B)(1) 17318  
or (2) of this section at any time after the expiration of 17319  
whichever of the following is applicable: 17320

(i) If the offense that resulted in the collateral sanction 17321  
from which the individual seeks relief is a felony, at any time 17322  
after the expiration of one year from the date of release of the 17323  
individual from any period of incarceration in a state or local 17324  
correctional facility that was imposed for that offense and all 17325  
periods of supervision imposed after release from the period of 17326  
incarceration or, if the individual was not incarcerated for that 17327  
offense, at any time after the expiration of one year from the 17328  
date of the individual's final release from all other sanctions 17329  
imposed for that offense. 17330

(ii) If the offense that resulted in the collateral sanction 17331  
from which the individual seeks relief is a misdemeanor, at any 17332  
time after the expiration of six months from the date of release 17333  
of the individual from any period of incarceration in a local 17334  
correctional facility that was imposed for that offense and all 17335  
periods of supervision imposed after release from the period of 17336  
incarceration or, if the individual was not incarcerated for that 17337  
offense, at any time after the expiration of six months from the 17338  
date of the final release of the individual from all sanctions 17339  
imposed for that offense including any period of supervision. 17340

(b) The department of rehabilitation and correction may 17341  
establish criteria by rule adopted under Chapter 119. of the 17342  
Revised Code that, if satisfied by an individual, would allow the 17343  
individual to file a petition before the expiration of six months 17344  
or one year from the date of final release, whichever is 17345  
applicable under division (B)(4)(a) of this section. 17346

(5)(a) A designee that receives a petition for a certificate 17347  
of qualification for employment from an individual under division 17348  
(B)(1) or (2) of this section shall review the petition to 17349  
determine whether it is complete. If the petition is complete, the 17350  
designee shall forward the petition, the application fee, and any 17351  
other information the designee possesses that relates to the 17352  
petition, to the court of common pleas of the county in which the 17353  
individual resides if the individual submitting the petition 17354  
resides in this state or, if the individual resides outside of 17355  
this state, to the court of common pleas of the county in which 17356  
the conviction or plea of guilty from which the individual seeks 17357  
relief was entered. 17358

(b) A court of common pleas that receives a petition for a 17359  
certificate of qualification for employment from an individual 17360  
under division (B)(2) of this section, or that is forwarded a 17361  
petition for such a certificate under division (B)(5)(a) of this 17362  
section, shall attempt to determine all other courts in this state 17363  
in which the individual was convicted of or pleaded guilty to an 17364  
offense other than the offense from which the individual is 17365  
seeking relief. The court that receives or is forwarded the 17366  
petition shall notify all other courts in this state that it 17367  
determines under this division were courts in which the individual 17368  
was convicted of or pleaded guilty to an offense other than the 17369  
offense from which the individual is seeking relief that the 17370  
individual has filed the petition and that the court may send 17371  
comments regarding the possible issuance of the certificate. 17372

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B)(2) of this section shall notify the county's prosecuting attorney that the individual has filed the petition.

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B)(2) of this section, or that is forwarded a petition for qualification under division (B)(5)(a) of this section may direct the clerk of court to process and record all notices required in or under this section. Except as provided in division (B)(6) of this section, the court shall pay thirty dollars of the application fee into the state treasury and twenty dollars of the application fee into the county general revenue fund.

(6) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B)(1) or (2) of this section, a court of common pleas or the designee of the deputy director of the division of parole and community services who receives the petition may waive all or part of the fifty-dollar filing fee for an applicant who is indigent. If an application fee is partially waived, the first twenty dollars of the fee that is collected shall be paid into the county general revenue fund. Any partial fee collected in excess of twenty dollars shall be paid into the state treasury.

(C)(1) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B)(2) of this section or being forwarded a petition for such a certificate under division (B)(5)(a) of this section, the court shall review the individual's petition, the individual's criminal history, all filings submitted by the prosecutor or by the victim in accordance with rules adopted by the division of parole and community services, the applicant's military service record, if applicable, and whether the applicant has an emotional, mental, or

physical condition that is traceable to the applicant's military 17405  
service in the armed forces of the United States and that was a 17406  
contributing factor in the commission of the offense or offenses, 17407  
and all other relevant evidence. The court may order any report, 17408  
investigation, or disclosure by the individual that the court 17409  
believes is necessary for the court to reach a decision on whether 17410  
to approve the individual's petition for a certificate of 17411  
qualification for employment. 17412

(2) Upon receiving a petition for a certificate of 17413  
qualification for employment filed by an individual under division 17414  
(B)(2) of this section or being forwarded a petition for such a 17415  
certificate under division (B)(5)(a) of this section, except as 17416  
otherwise provided in this division, the court shall decide 17417  
whether to issue the certificate within sixty days after the court 17418  
receives or is forwarded the completed petition and all 17419  
information requested for the court to make that decision. Upon 17420  
request of the individual who filed the petition, the court may 17421  
extend the sixty-day period specified in this division. 17422

(3) Except as provided in division (C)(5) of this section and 17423  
subject to division (C)(7) of this section, a court that receives 17424  
an individual's petition for a certificate of qualification for 17425  
employment under division (B)(2) of this section or that is 17426  
forwarded a petition for such a certificate under division 17427  
(B)(5)(a) of this section may issue a certificate of qualification 17428  
for employment, at the court's discretion, if the court finds that 17429  
the individual has established all of the following by a 17430  
preponderance of the evidence: 17431

(a) Granting the petition will materially assist the 17432  
individual in obtaining employment or occupational licensing. 17433

(b) The individual has a substantial need for the relief 17434  
requested in order to live a law-abiding life. 17435

(c) Granting the petition would not pose an unreasonable risk to the safety of the public or any individual. 17436  
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(4) The submission of an incomplete petition by an individual shall not be grounds for the designee or court to deny the petition. 17438  
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(5) Subject to division (C)(6) of this section, an individual is rebuttably presumed to be eligible for a certificate of qualification for employment if the court that receives the individual's petition under division (B)(2) of this section or that is forwarded a petition under division (B)(5)(a) of this section finds all of the following: 17441  
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(a) The application was filed after the expiration of the applicable waiting period prescribed in division (B)(4) of this section; 17447  
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(b) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at least three years have elapsed since the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least three years have elapsed since the date of the individual's final release from all other sanctions imposed for that offense; 17450  
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(c) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at least one year has elapsed since the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least one year has elapsed since the date of the final release of the 17459  
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individual from all sanctions imposed for that offense including 17467  
any period of supervision. 17468

(6) An application that meets all of the requirements for the 17469  
presumption under division (C)(5) of this section shall be denied 17470  
only if the court that receives the petition finds that the 17471  
evidence reviewed under division (C)(1) of this section rebuts the 17472  
presumption of eligibility for issuance by establishing, by clear 17473  
and convincing evidence, that the applicant has not been 17474  
rehabilitated. 17475

(7) A certificate of qualification for employment shall not 17476  
create relief from any of the following collateral sanctions: 17477

(a) Requirements imposed by Chapter 2950. of the Revised Code 17478  
and rules adopted under sections 2950.13 and 2950.132 of the 17479  
Revised Code; 17480

(b) A driver's license, commercial driver's license, or 17481  
probationary license suspension, cancellation, or revocation 17482  
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the 17483  
Revised Code if the relief sought is available pursuant to section 17484  
4510.021 or division (B) of section 4510.13 of the Revised Code; 17485

(c) Restrictions on employment as a prosecutor or law 17486  
enforcement officer; 17487

(d) The denial, ineligibility, or automatic suspension of a 17488  
license that is imposed upon an individual applying for or holding 17489  
a license as a health care professional under Title XLVII of the 17490  
Revised Code if the individual is convicted of, pleads guilty to, 17491  
is subject to a judicial finding of eligibility for intervention 17492  
in lieu of conviction in this state under section 2951.041 of the 17493  
Revised Code, or is subject to treatment or intervention in lieu 17494  
of conviction for a violation of section 2903.01, 2903.02, 17495  
2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 17496  
2911.01, 2911.11, 2919.123, or 2919.124 of the Revised Code; 17497

(e) The immediate suspension of a license, certificate, or 17498  
evidence of registration that is imposed upon an individual 17499  
holding a license as a health care professional under Title XLVII 17500  
of the Revised Code pursuant to division (C) of section 3719.121 17501  
of the Revised Code; 17502

(f) The denial or ineligibility for employment in a pain 17503  
clinic under division (B)(4) of section 4729.552 of the Revised 17504  
Code; 17505

(g) The mandatory suspension of a license that is imposed on 17506  
an individual applying for or holding a license as a health care 17507  
professional under Title XLVII of the Revised Code pursuant to 17508  
section 3123.43 of the Revised Code; 17509

(h) The denial, limitation, suspension, or revocation of a 17510  
license that is imposed upon an individual applying for or holding 17511  
a license issued by the state board of education under Title 17512  
XXXIII of the Revised Code if the individual is convicted of, 17513  
pleads guilty to, or is found guilty by a jury or court of, or is 17514  
subject to a judicial finding of eligibility for intervention in 17515  
lieu of conviction for a violation of division (B)(1), (2), (3), 17516  
or (4) of section 2919.22 of the Revised Code; a violation of 17517  
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 17518  
2903.15, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 2907.03, 17519  
2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 2907.22, 2907.31, 17520  
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 17521  
2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.11, 2921.02, 17522  
2921.03, 2921.04, 2921.41, 2923.21, or 2925.02 of the Revised 17523  
Code; a violation of section 2905.04 of the Revised Code as it 17524  
existed prior to July 1, 1996; a violation of section 2919.23 of 17525  
the Revised Code that would have been a violation of section 17526  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 17527  
had the violation been committed prior to that date; felonious 17528  
sexual penetration in violation of former section 2907.12 of the 17529

Revised Code; or a violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in this paragraph. 17530  
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(8) If a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the court shall provide written notice to the individual of the court's denial. The court may place conditions on the individual regarding the individual's filing of any subsequent petition for a certificate of qualification for employment. The written notice must notify the individual of any conditions placed on the individual's filing of a subsequent petition for a certificate of qualification for employment. 17533  
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If a court of common pleas that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the individual may appeal the decision to the court of appeals only if the individual alleges that the denial was an abuse of discretion on the part of the court of common pleas. 17544  
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(D)(1) A certificate of qualification for employment issued to an individual lifts the automatic bar of a collateral sanction, and a decision-maker shall consider on a case-by-case basis whether to grant or deny the issuance or restoration of an occupational license or an employment opportunity, notwithstanding the individual's possession of the certificate, without, however, reconsidering or rejecting any finding made by a designee or court under division (C)(3) of this section. 17552  
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(2) The certificate constitutes a rebuttable presumption that the person's criminal convictions are insufficient evidence that 17560  
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the person is unfit for the license, employment opportunity, or 17562  
certification in question. Notwithstanding the presumption 17563  
established under this division, the agency may deny the license 17564  
or certification for the person if it determines that the person 17565  
is unfit for issuance of the license. 17566

(3) If an employer that has hired a person who has been 17567  
issued a certificate of qualification for employment applies to a 17568  
licensing agency for a license or certification and the person has 17569  
a conviction or guilty plea that otherwise would bar the person's 17570  
employment with the employer or licensure for the employer because 17571  
of a mandatory civil impact, the agency shall give the person 17572  
individualized consideration, notwithstanding the mandatory civil 17573  
impact, the mandatory civil impact shall be considered for all 17574  
purposes to be a discretionary civil impact, and the certificate 17575  
constitutes a rebuttable presumption that the person's criminal 17576  
convictions are insufficient evidence that the person is unfit for 17577  
the employment, or that the employer is unfit for the license or 17578  
certification, in question. 17579

(E) A certificate of qualification for employment does not 17580  
grant the individual to whom the certificate was issued relief 17581  
from the mandatory civil impacts identified in division (A)(1) of 17582  
section 2961.01 or division (B) of section 2961.02 of the Revised 17583  
Code. 17584

(F) A petition for a certificate of qualification for 17585  
employment filed by an individual under division (B)(1) or (2) of 17586  
this section shall include all of the following: 17587

(1) The individual's name, date of birth, and social security 17588  
number; 17589

(2) All aliases of the individual and all social security 17590  
numbers associated with those aliases; 17591

(3) The individual's residence address, including the city, 17592

county, and state of residence and zip code;	17593
(4) The length of time that the individual has resided in the individual's current state of residence, expressed in years and months of residence;	17594 17595 17596
(5) A general statement as to why the individual has filed the petition and how the certificate of qualification for employment would assist the individual;	17597 17598 17599
(6) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;	17600 17601 17602 17603
(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;	17604 17605 17606
(8) Verifiable references and endorsements;	17607
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;	17608 17609 17610
(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;	17611 17612
(11) Any other information required by rule by the department of rehabilitation and correction.	17613 17614
(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the	17615 17616 17617 17618 17619 17620 17621 17622

time of the alleged negligence or other fault. 17623

(2) In any proceeding on a claim against an employer for 17624  
negligent hiring, a certificate of qualification for employment 17625  
issued to an individual under this section shall provide immunity 17626  
for the employer as to the claim if the employer knew of the 17627  
certificate at the time of the alleged negligence. 17628

(3) If an employer hires an individual who has been issued a 17629  
certificate of qualification for employment under this section, if 17630  
the individual, after being hired, subsequently demonstrates 17631  
dangerousness or is convicted of or pleads guilty to a felony, and 17632  
if the employer retains the individual as an employee after the 17633  
demonstration of dangerousness or the conviction or guilty plea, 17634  
the employer may be held liable in a civil action that is based on 17635  
or relates to the retention of the individual as an employee only 17636  
if it is proved by a preponderance of the evidence that the person 17637  
having hiring and firing responsibility for the employer had 17638  
actual knowledge that the employee was dangerous or had been 17639  
convicted of or pleaded guilty to the felony and was willful in 17640  
retaining the individual as an employee after the demonstration of 17641  
dangerousness or the conviction or guilty plea of which the person 17642  
has actual knowledge. 17643

(H) A certificate of qualification for employment issued 17644  
under this section shall be revoked if the individual to whom the 17645  
certificate of qualification for employment was issued is 17646  
convicted of or pleads guilty to a felony offense committed 17647  
subsequent to the issuance of the certificate of qualification for 17648  
employment. The department of rehabilitation and correction shall 17649  
periodically review the certificates listed in the database 17650  
described in division (K) of this section to identify those that 17651  
are subject to revocation under this division. Upon identifying a 17652  
certificate of qualification for employment that is subject to 17653  
revocation, the department shall note in the database that the 17654

certificate has been revoked, the reason for revocation, and the 17655  
effective date of revocation, which shall be the date of the 17656  
conviction or plea of guilty subsequent to the issuance of the 17657  
certificate. 17658

(I) A designee's forwarding, or failure to forward, a 17659  
petition for a certificate of qualification for employment to a 17660  
court or a court's issuance, or failure to issue, a petition for a 17661  
certificate of qualification for employment to an individual under 17662  
division (B) of this section does not give rise to a claim for 17663  
damages against the department of rehabilitation and correction or 17664  
court. 17665

(J) The division of parole and community services shall adopt 17666  
rules in accordance with Chapter 119. of the Revised Code for the 17667  
implementation and administration of this section and shall 17668  
prescribe the form for the petition to be used under division 17669  
(B)(1) or (2) of this section. The form for the petition shall 17670  
include places for all of the information specified in division 17671  
(F) of this section. 17672

(K) The department of rehabilitation and correction shall 17673  
maintain a database that identifies granted certificates and 17674  
revoked certificates and tracks the number of certificates granted 17675  
and revoked, the industries, occupations, and professions with 17676  
respect to which the certificates have been most applicable, and 17677  
the types of employers that have accepted the certificates. The 17678  
department shall annually create a report that summarizes the 17679  
information maintained in the database and shall make the report 17680  
available to the public on its internet web site. 17681

**Sec. 2967.04.** (A) A pardon or commutation may be granted upon 17682  
such conditions precedent or subsequent as the governor may 17683  
impose, which conditions shall be stated in the warrant. Such 17684  
pardon or commutation shall not take effect until the conditions 17685

so imposed are accepted by the convict or prisoner so pardoned or 17686  
having ~~his~~ a sentence commuted, and ~~his~~ the convict's or 17687  
prisoner's acceptance is indorsed upon the warrant, signed by ~~him~~ 17688  
the prisoner or convict, and attested by one witness. Such witness 17689  
shall go before the clerk of the court of common pleas in whose 17690  
office the sentence is recorded and prove the signature of the 17691  
convict. The clerk shall thereupon record the warrant, 17692  
indorsement, and proof in the journal of the court, which record, 17693  
or a duly certified transcript thereof, shall be evidence of such 17694  
pardon or commutation, the conditions thereof, and the acceptance 17695  
of the conditions. 17696

(B) An unconditional pardon relieves the person to whom it is 17697  
granted of all disabilities arising out of the conviction or 17698  
convictions from which it is granted. For purposes of this 17699  
section, "unconditional pardon" includes a conditional pardon with 17700  
respect to which all conditions have been performed or have 17701  
transpired. 17702

(C) In the case of an unconditional pardon, the governor may 17703  
include as a condition of the pardon that records related to the 17704  
conviction be sealed as if the records are related to an offense 17705  
that is not otherwise prohibited from being sealed under section 17706  
2953.36 of the Revised Code. The governor may issue a writ for the 17707  
records related to the pardoned conviction to be sealed. However, 17708  
such a writ shall not seal the records required to be kept under 17709  
division (E) of section 107.10 of the Revised Code and shall not 17710  
have any impact on the governor's office. Other than the records 17711  
required to be kept under division (E) of section 107.10 of the 17712  
Revised Code, no records of the governor's office related to a 17713  
pardon that have been sealed under this division are subject to 17714  
public inspection unless directed by the governor. Inspection of 17715  
the records or disclosure of information contained in the records 17716  
may be made pursuant to division (D) of section 2953.32 of the 17717

Revised Code or as the governor may direct. A disclosure of 17718  
records sealed under a writ issued by the governor is not a 17719  
criminal offense. 17720

**Sec. 2967.17.** (A) The adult parole authority, in its 17721  
discretion, may grant an administrative release to any of the 17722  
following: 17723

(1) A parole violator ~~or~~, release violator, or releasee 17724  
serving another felony sentence in a correctional institution 17725  
within or without this state for the purpose of consolidation of 17726  
the records or if justice would best be served; 17727

(2) A parole violator at large or release violator at large 17728  
whose case has been inactive for at least ten years following the 17729  
date of declaration of the parole violation or the violation of a 17730  
post-release control sanction; 17731

(3) A parolee or releasee taken into custody by the 17732  
immigration and naturalization service of the United States 17733  
department of justice and deported from the United States. 17734

(B)(1)(a) As used in divisions (B)(2) and (3) of this 17735  
section, "position of honor, trust, or profit" has the same 17736  
meaning as in section 2929.192 of the Revised Code. 17737

(b) For purposes of divisions (B)(2) and (3) of this section, 17738  
a violation of section 2923.32 of the Revised Code or any other 17739  
violation or offense that includes as an element a course of 17740  
conduct or the occurrence of multiple acts is "committed on or 17741  
after ~~the effective date of this amendment~~ May 13, 2008," if the 17742  
course of conduct continues, one or more of the multiple acts 17743  
occurs, or the subject person's accountability for the course of 17744  
conduct or for one or more of the multiple acts continues, on or 17745  
after ~~the effective date of this amendment~~ May 13, 2008. 17746

(2) The adult parole authority shall not grant an 17747

administrative release except upon the concurrence of a majority 17748  
of the parole board and approval of the chief of the adult parole 17749  
authority. An administrative release does not restore for the 17750  
person to whom it is granted the rights and privileges forfeited 17751  
by conviction as provided in section 2961.01 of the Revised Code. 17752  
Any person granted an administrative release under this section 17753  
may subsequently apply for a commutation of sentence for the 17754  
purpose of regaining the rights and privileges forfeited by 17755  
conviction, except that the privilege of circulating or serving as 17756  
a witness for the signing of any declaration of candidacy and 17757  
petition, voter registration application, or nominating, 17758  
initiative, referendum, or recall petition forfeited under section 17759  
2961.01 of the Revised Code may not be restored under this section 17760  
and except that the privilege of holding a position of honor, 17761  
trust, or profit may not be restored under this section to a 17762  
person in the circumstances described in division (B)(3) of this 17763  
section. 17764

(3) The privilege of holding a position of honor, trust, or 17765  
profit may not be restored under this section to a person who was 17766  
convicted of or pleaded guilty to committing on or after ~~the~~ 17767  
~~effective date of this amendment~~ May 13, 2008, any violation or 17768  
offense listed in divisions (C)(2)(c)(i) to (vi) of section 17769  
2967.16 of the Revised Code that is a felony. 17770

**Sec. 2967.19.** (A) As used in this section: 17771

(1) "Deadly weapon" and "dangerous ordnance" have the same 17772  
meanings as in section 2923.11 of the Revised Code. 17773

(2) "Disqualifying prison term" means any of the following: 17774

(a) A prison term imposed for aggravated murder, murder, 17775  
voluntary manslaughter, involuntary manslaughter, felonious 17776  
assault, kidnapping, rape, aggravated arson, aggravated burglary, 17777  
or aggravated robbery; 17778

(b) A prison term imposed for complicity in, an attempt to commit, or conspiracy to commit any offense listed in division (A)(2)(a) of this section;	17779 17780 17781
(c) A prison term of life imprisonment, including any term of life imprisonment that has parole eligibility;	17782 17783
(d) A prison term imposed for any felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance;	17784 17785 17786 17787
(e) A prison term imposed for any violation of section 2925.03 of the Revised Code that is a felony of the first or second degree;	17788 17789 17790
(f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code;	17791 17792 17793
(g) A prison term imposed pursuant to section 2971.03 of the Revised Code;	17794 17795
(h) A prison term imposed for any sexually oriented offense.	17796
(3) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term.	17797 17798
(4) "Restricting prison term" means any of the following:	17799
(a) A mandatory prison term imposed under division (B)(1)(a), (B)(1)(c), (B)(1)(f), (B)(1)(g), (B)(2), or (B)(7) of section 2929.14 of the Revised Code for a specification of the type described in that division;	17800 17801 17802 17803
(b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A)(4)(a) of this section, the prison term imposed for the felony offense for which the specification was stated at the end of the body of the indictment, count in the indictment, or	17804 17805 17806 17807 17808

information charging the offense; 17809

(c) A prison term imposed for trafficking in persons; 17810

(d) A prison term imposed for any offense that is described 17811  
in division (A)(4)(d)(i) of this section if division (A)(4)(d)(ii) 17812  
of this section applies to the offender: 17813

(i) The offense is a felony of the first or second degree 17814  
that is an offense of violence and that is not described in 17815  
division (A)(2)(a) or (b) of this section, an attempt to commit a 17816  
felony of the first or second degree that is an offense of 17817  
violence and that is not described in division (A)(2)(a) or (b) of 17818  
this section if the attempt is a felony of the first or second 17819  
degree, or an offense under an existing or former law of this 17820  
state, another state, or the United States that is or was 17821  
substantially equivalent to any other offense described in this 17822  
division. 17823

(ii) The offender previously was convicted of or pleaded 17824  
guilty to any offense listed in division (A)(2) or (A)(4)(d)(i) of 17825  
this section. 17826

(5) "Sexually oriented offense" has the same meaning as in 17827  
section 2950.01 of the Revised Code. 17828

(6) "Stated prison term of one year or more" means a definite 17829  
prison term of one year or more imposed as a stated prison term, 17830  
or a minimum prison term of one year or more imposed as part of a 17831  
stated prison term that is a non-life felony indefinite prison 17832  
term. 17833

(7) "Felony sex offense" means a violation of a section 17834  
contained in Chapter 2907. of the Revised Code that is a felony. 17835

(B) The director of the department of rehabilitation and 17836  
correction may recommend in writing to the sentencing court that 17837  
the court consider releasing from prison any offender who, on or 17838

after September 30, 2011, is confined in a state correctional 17839  
institution, who is serving a stated prison term of one year or 17840  
more, and who is eligible under division (C) of this section for a 17841  
release under this section. If the director wishes to recommend 17842  
that the sentencing court consider releasing an offender under 17843  
this section, the director shall notify the sentencing court in 17844  
writing of the offender's eligibility not earlier than ninety days 17845  
prior to the date on which the offender becomes eligible as 17846  
described in division (C) of this section. The director's 17847  
submission of the written notice constitutes a recommendation by 17848  
the director that the court strongly consider release of the 17849  
offender consistent with the purposes and principles of sentencing 17850  
set forth in sections 2929.11 and 2929.13 of the Revised Code. 17851  
Only an offender recommended by the director under division (B) of 17852  
this section may be considered for early release under this 17853  
section. 17854

(C)(1) An offender serving a stated prison term of one year 17855  
or more and who has commenced service of that stated prison term 17856  
becomes eligible for release from prison under this section only 17857  
as described in this division. An offender serving a stated prison 17858  
term that includes a disqualifying prison term is not eligible for 17859  
release from prison under this section. An offender serving a 17860  
stated prison term that consists solely of one or more restricting 17861  
prison terms is not eligible for release under this section. An 17862  
offender serving a stated prison term of one year or more that 17863  
includes one or more restricting prison terms and one or more 17864  
eligible prison terms becomes eligible for release under this 17865  
section after having fully served all restricting prison terms and 17866  
having served eighty per cent of that stated prison term that 17867  
remains to be served after all restricting prison terms have been 17868  
fully served. An offender serving a stated prison term of one year 17869  
or more that consists solely of one or more eligible prison terms 17870  
becomes eligible for release under this section after having 17871

served eighty per cent of that stated prison term. For purposes of 17872  
determining an offender's eligibility for release under this 17873  
section, if the offender's stated prison term includes consecutive 17874  
prison terms, any restricting prison terms shall be deemed served 17875  
prior to any eligible prison terms that run consecutively to the 17876  
restricting prison terms, and the eligible prison terms are deemed 17877  
to commence after all of the restricting prison terms have been 17878  
fully served. 17879

An offender serving a stated prison term of one year or more 17880  
that includes a mandatory prison term that is not a disqualifying 17881  
prison term and is not a restricting prison term is not 17882  
automatically ineligible as a result of the offender's service of 17883  
that mandatory term for release from prison under this section, 17884  
and the offender's eligibility for release from prison under this 17885  
section is determined in accordance with this division. 17886

(2) If an offender confined in a state correctional 17887  
institution under a stated prison term is eligible for release 17888  
under this section as described in division (C)(1) of this 17889  
section, the director of the department of rehabilitation and 17890  
correction may recommend in writing that the sentencing court 17891  
consider releasing the offender from prison under this section by 17892  
submitting to the sentencing court the written notice described in 17893  
division (B) of this section. 17894

(D) The director shall include with any notice submitted to 17895  
the sentencing court under division (B) of this section an 17896  
institutional summary report that covers the offender's 17897  
participation while confined in a state correctional institution 17898  
in school, training, work, treatment, and other rehabilitative 17899  
activities and any disciplinary action taken against the offender 17900  
while so confined. The director shall include with the notice any 17901  
other documentation requested by the court, if available. 17902

(E)(1) When the director submits a written notice to a 17903

sentencing court that an offender is eligible to be considered for 17904  
early release under this section, the department promptly shall 17905  
provide to the prosecuting attorney of the county in which the 17906  
offender was indicted a copy of the written notice, a copy of the 17907  
institutional summary report, and any other information provided 17908  
to the court and shall provide a copy of the institutional summary 17909  
report to any law enforcement agency that requests the report. The 17910  
department also promptly shall do whichever of the following is 17911  
applicable: 17912

(a) Subject to division (E)(1)(b) of this section, give 17913  
written notice of the submission to any victim of the offender or 17914  
victim's representative of any victim of the offender who is 17915  
registered with the office of victim's services. 17916

(b) If the offense was aggravated murder, murder, an offense 17917  
of violence that is a felony of the first, second, or third 17918  
degree, or an offense punished by a sentence of life imprisonment, 17919  
except as otherwise provided in this division, notify the victim 17920  
or the victim's representative of the filing of the petition 17921  
regardless of whether the victim or victim's representative has 17922  
registered with the office of victim's services. The notice of the 17923  
filing of the petition shall not be given under this division to a 17924  
victim or victim's representative if the victim or victim's 17925  
representative has requested pursuant to division (B)(2) of 17926  
section 2930.03 of the Revised Code that the victim or the 17927  
victim's representative not be provided the notice. If notice is 17928  
to be provided to a victim or victim's representative under this 17929  
division, the department may give the notice by any reasonable 17930  
means, including regular mail, telephone, and electronic mail, in 17931  
accordance with division (D)(1) of section 2930.16 of the Revised 17932  
Code. If the notice is based on an offense committed prior to 17933  
March 22, 2013, the notice also shall include the opt-out 17934  
information described in division (D)(1) of section 2930.16 of the 17935

Revised Code. The department, in accordance with division (D)(2) 17936  
of section 2930.16 of the Revised Code, shall keep a record of all 17937  
attempts to provide the notice, and of all notices provided, under 17938  
this division. 17939

Division (E)(1)(b) of this section, and the notice-related 17940  
provisions of divisions (E)(2) and (K) of section 2929.20, 17941  
division (D)(1) of section 2930.16, division (H) of section 17942  
2967.12, division (A)(3)(b) of section 2967.26, division (D)(1) of 17943  
section 2967.28, and division (A)(2) of section 5149.101 of the 17944  
Revised Code enacted in the act in which division (E)(2) of this 17945  
section was enacted, shall be known as "Roberta's Law." 17946

(2) When the director submits a petition under this section, 17947  
the department also promptly shall post a copy of the written 17948  
notice on the database it maintains under section 5120.66 of the 17949  
Revised Code and include information on where a person may send 17950  
comments regarding the recommendation of early release. 17951

The information provided to the court, the prosecutor, and 17952  
the victim or victim's representative under divisions (D) and (E) 17953  
of this section shall include the name and contact information of 17954  
a specific department of rehabilitation and correction employee 17955  
who is available to answer questions about the offender who is the 17956  
subject of the written notices submitted by the director, 17957  
including, but not limited to, the offender's institutional 17958  
conduct and rehabilitative activities while incarcerated. 17959

(F) Upon receipt of a written notice submitted by the 17960  
director under division (B) of this section, the court either 17961  
shall, on its own motion, schedule a hearing to consider releasing 17962  
the offender who is the subject of the notice or shall inform the 17963  
department that it will not be conducting a hearing relative to 17964  
the offender. The court shall not grant an early release to an 17965  
offender without holding a hearing. If a court declines to hold a 17966  
hearing relative to an offender with respect to a written notice 17967

submitted by the director, the court may later consider release of 17968  
that offender under this section on its own motion by scheduling a 17969  
hearing for that purpose. Within thirty days after the written 17970  
notice is submitted, the court shall inform the department whether 17971  
or not the court is scheduling a hearing on the offender who is 17972  
the subject of the notice. 17973

(G) If the court schedules a hearing upon receiving a written 17974  
notice submitted under division (B) of this section or upon its 17975  
own motion under division (F) of this section, the court shall 17976  
notify the head of the state correctional institution in which the 17977  
offender is confined of the hearing prior to the hearing. If the 17978  
court makes a journal entry ordering the offender to be conveyed 17979  
to the hearing, except as otherwise provided in this division, the 17980  
head of the correctional institution shall deliver the offender to 17981  
the sheriff of the county in which the hearing is to be held, and 17982  
the sheriff shall convey the offender to and from the hearing. 17983  
Upon the court's own motion or the motion of the offender or the 17984  
prosecuting attorney of the county in which the offender was 17985  
indicted, the court may permit the offender to appear at the 17986  
hearing by video conferencing equipment if equipment of that 17987  
nature is available and compatible. 17988

Upon receipt of notice from a court of a hearing on the 17989  
release of an offender under this division, the head of the state 17990  
correctional institution in which the offender is confined 17991  
immediately shall notify the appropriate person at the department 17992  
of rehabilitation and correction of the hearing, and the 17993  
department within twenty-four hours after receipt of the notice 17994  
shall post on the database it maintains pursuant to section 17995  
5120.66 of the Revised Code the offender's name and all of the 17996  
information specified in division (A)(1)(c)(i) of that section. If 17997  
the court schedules a hearing under this section, the court 17998  
promptly shall give notice of the hearing to the prosecuting 17999

attorney of the county in which the offender was indicted. Upon 18000  
receipt of the notice from the court, the prosecuting attorney 18001  
shall notify pursuant to section 2930.16 of the Revised Code any 18002  
victim of the offender or the victim's representative of the 18003  
hearing. 18004

(H) If the court schedules a hearing under this section, at 18005  
the hearing, the court shall afford the offender and the 18006  
offender's attorney an opportunity to present written information 18007  
and, if present, oral information relevant to the offender's early 18008  
release. The court shall afford a similar opportunity to the 18009  
prosecuting attorney, victim or victim's representative, as 18010  
defined in section 2930.01 of the Revised Code, and any other 18011  
person the court determines is likely to present additional 18012  
relevant information. If the court pursuant to division (G) of 18013  
this section permits the offender to appear at the hearing by 18014  
video conferencing equipment, the offender's opportunity to 18015  
present oral information shall be as a part of the video 18016  
conferencing. The court shall consider any statement of a victim 18017  
made under section 2930.14 or 2930.17 of the Revised Code, any 18018  
victim impact statement prepared under section 2947.051 of the 18019  
Revised Code, and any report and other documentation submitted by 18020  
the director under division (D) of this section. After ruling on 18021  
whether to grant the offender early release, the court shall 18022  
notify the victim in accordance with sections 2930.03 and 2930.16 18023  
of the Revised Code. 18024

(I) If the court grants an offender early release under this 18025  
section, it shall order the release of the offender, shall place 18026  
the offender under one or more appropriate community control 18027  
sanctions, under appropriate conditions, and under the supervision 18028  
of the department of probation that serves the court, and shall 18029  
reserve the right to reimpose the sentence that it reduced and 18030  
from which the offender was released if the offender violates the 18031

sanction. The court shall not make a release under this section 18032  
effective prior to the date on which the offender becomes eligible 18033  
as described in division (C) of this section. If the sentence 18034  
under which the offender is confined in a state correctional 18035  
institution and from which the offender is being released was 18036  
imposed for a felony of the first or second degree, the court 18037  
shall consider ordering that the offender be monitored by means of 18038  
a global positioning device. If the court reimposes the sentence 18039  
that it reduced and from which the offender was released and if 18040  
the violation of the sanction is a new offense, the court may 18041  
order that the reimposed sentence be served either concurrently 18042  
with, or consecutive to, any new sentence imposed upon the 18043  
offender as a result of the violation that is a new offense. The 18044  
period of all community control sanctions imposed under this 18045  
division shall not exceed five years if the most serious offense 18046  
from which the release is granted is a felony of the first, 18047  
second, or third degree or a felony sex offense, three years if 18048  
the most serious offense from which release is granted is a felony 18049  
of the fourth degree that is not a felony sex offense, or two 18050  
years if the most serious offense from which the release is 18051  
granted is a felony of the fifth degree that is not a felony sex 18052  
offense. The court, in its discretion, may reduce the period of 18053  
community control sanctions by the amount of time the offender 18054  
spent in jail or prison for the offense. 18055

If the court grants an offender early release under this 18056  
section, it shall notify the appropriate person at the department 18057  
of rehabilitation and correction of the release, and the 18058  
department shall post notice of the release on the database it 18059  
maintains pursuant to section 5120.66 of the Revised Code. 18060

(J) The department shall adopt under Chapter 119. of the 18061  
Revised Code any rules necessary to implement this section. 18062

Sec. 2967.28. (A) As used in this section: 18063

(1) "Monitored time" means the monitored time sanction 18064  
specified in section 2929.17 and defined in section 2929.01 of the 18065  
Revised Code. 18066

(2) "Deadly weapon" and "dangerous ordnance" have the same 18067  
meanings as in section 2923.11 of the Revised Code. 18068

(3) "Felony sex offense" means a violation of a section 18069  
contained in Chapter 2907. of the Revised Code that is a felony. 18070

(4) "Risk reduction sentence" means a prison term imposed by 18071  
a court, when the court recommends pursuant to section 2929.143 of 18072  
the Revised Code that the offender serve the sentence under 18073  
section 5120.036 of the Revised Code, and the offender may 18074  
potentially be released from imprisonment prior to the expiration 18075  
of the prison term if the offender successfully completes all 18076  
assessment and treatment or programming required by the department 18077  
of rehabilitation and correction under section 5120.036 of the 18078  
Revised Code. 18079

(5) "Victim's immediate family" has the same meaning as in 18080  
section 2967.12 of the Revised Code. 18081

(6) "Minor drug possession offense" has the same meaning as 18082  
in section 2925.11 of the Revised Code. 18083

(7) "Single validated risk assessment tool" means the single 18084  
validated risk assessment tool selected by the department of 18085  
rehabilitation and correction under section 5120.114 of the 18086  
Revised Code. 18087

(B) Each sentence to a prison term, other than a term of life 18088  
imprisonment, for a felony of the first degree, for a felony of 18089  
the second degree, for a felony sex offense, or for a felony of 18090  
the third degree that is an offense of violence and is not a 18091  
felony sex offense shall include a requirement that the offender 18092

be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a sentencing court to notify the offender pursuant to division (B)(2)(d) of section 2929.19 of the Revised Code of this requirement or to include in the judgment of conviction entered on the journal a statement that the offender's sentence includes this requirement does not negate, limit, or otherwise affect the mandatory period of supervision that is required for the offender under this division. This division applies with respect to all prison terms of a type described in this division, including a non-life felony indefinite prison term. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B)(2)(d) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D)(1) of section 2929.14 of the Revised Code a statement regarding post-release control. Unless reduced by the parole board pursuant to division (D) of this section when authorized under that division, a period of post-release control required by this division for an offender shall be of one of the following periods:

(1) For a ~~felony of the first degree or for a~~ felony sex offense, five years;

(2) For a felony of the first degree that is not a felony sex offense, up to five years, but not less than two years;

(3) For a felony of the second degree that is not a felony

sex offense, up to three years, but not less than eighteen months; 18125

~~(3)~~(4) For a felony of the third degree that is an offense of 18126  
violence and is not a felony sex offense, up to three years, but 18127  
not less than one year. 18128

(C) Any sentence to a prison term for a felony of the third, 18129  
fourth, or fifth degree that is not subject to division (B)(1) or 18130  
~~(3)~~(4) of this section shall include a requirement that the 18131  
offender be subject to a period of post-release control of up to 18132  
~~three~~ two years after the offender's release from imprisonment, if 18133  
the parole board, in accordance with division (D) of this section, 18134  
determines that a period of post-release control is necessary for 18135  
that offender. This division applies with respect to all prison 18136  
terms of a type described in this division, including a term of 18137  
any such type that is a risk reduction sentence. Section 2929.191 18138  
of the Revised Code applies if, prior to July 11, 2006, a court 18139  
imposed a sentence including a prison term of a type described in 18140  
this division and failed to notify the offender pursuant to 18141  
division (B)(2)(e) of section 2929.19 of the Revised Code 18142  
regarding post-release control or to include in the judgment of 18143  
conviction entered on the journal or in the sentence pursuant to 18144  
division (D)(2) of section 2929.14 of the Revised Code a statement 18145  
regarding post-release control. Pursuant to an agreement entered 18146  
into under section 2967.29 of the Revised Code, a court of common 18147  
pleas or parole board may impose sanctions or conditions on an 18148  
offender who is placed on post-release control under this 18149  
division. 18150

(D)(1) Before the prisoner is released from imprisonment, the 18151  
parole board or, pursuant to an agreement under section 2967.29 of 18152  
the Revised Code, the court shall impose ~~upon~~ on a prisoner 18153  
described in division (B) of this section, shall impose ~~upon~~ on a 18154  
prisoner described in division (C) of this section who is to be 18155  
released before the expiration of the prisoner's stated prison 18156

term under a risk reduction sentence, may impose ~~upon~~ on a 18157  
prisoner described in division (C) of this section who is not to 18158  
be released before the expiration of the prisoner's stated prison 18159  
term under a risk reduction sentence, and shall impose ~~upon~~ on a 18160  
prisoner described in division (B)(2)(b) of section 5120.031 or in 18161  
division (B)(1) of section 5120.032 of the Revised Code, one or 18162  
more post-release control sanctions to apply during the prisoner's 18163  
period of post-release control. Whenever the board or court 18164  
imposes one or more post-release control sanctions ~~upon~~ on a 18165  
prisoner, the board or court, in addition to imposing the 18166  
sanctions, also shall include as a condition of the post-release 18167  
control that the offender not leave the state without permission 18168  
of the court or the offender's parole or probation officer and 18169  
that the offender abide by the law. The board or court may impose 18170  
any other conditions of release under a post-release control 18171  
sanction that the board or court considers appropriate, and the 18172  
conditions of release may include any community residential 18173  
sanction, community nonresidential sanction, or financial sanction 18174  
that the sentencing court was authorized to impose pursuant to 18175  
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior 18176  
to the release of a prisoner for whom it will impose one or more 18177  
post-release control sanctions under this division, the parole 18178  
board or court shall review the prisoner's criminal history, 18179  
results from the single validated risk assessment tool ~~selected by~~ 18180  
~~the department of rehabilitation and correction under section~~ 18181  
~~5120.114 of the Revised Code, all juvenile court adjudications~~ 18182  
~~finding the prisoner, while a juvenile, to be a delinquent child,~~ 18183  
and the record of the prisoner's conduct while imprisoned. The 18184  
parole board or court shall consider any recommendation regarding 18185  
post-release control sanctions for the prisoner made by the office 18186  
of victims' services. After considering those materials, the board 18187  
or court shall determine, for a prisoner described in division (B) 18188  
of this section, division (B)(2)(b) of section 5120.031, or 18189

division (B)(1) of section 5120.032 of the Revised Code and for a 18190  
prisoner described in division (C) of this section who is to be 18191  
released before the expiration of the prisoner's stated prison 18192  
term under a risk reduction sentence, which post-release control 18193  
sanction or combination of post-release control sanctions is 18194  
reasonable under the circumstances or, for a prisoner described in 18195  
division (C) of this section who is not to be released before the 18196  
expiration of the prisoner's stated prison term under a risk 18197  
reduction sentence, whether a post-release control sanction is 18198  
necessary and, if so, which post-release control sanction or 18199  
combination of post-release control sanctions is reasonable under 18200  
the circumstances. In the case of a prisoner convicted of a felony 18201  
of the fourth or fifth degree other than a felony sex offense, the 18202  
board or court shall presume that monitored time is the 18203  
appropriate post-release control sanction unless the board or 18204  
court determines that a more restrictive sanction is warranted. A 18205  
post-release control sanction imposed under this division takes 18206  
effect upon the prisoner's release from imprisonment. 18207

Regardless of whether the prisoner was sentenced to the 18208  
prison term prior to, on, or after July 11, 2006, prior to the 18209  
release of a prisoner for whom it will impose one or more 18210  
post-release control sanctions under this division, the parole 18211  
board shall notify the prisoner that, if the prisoner violates any 18212  
sanction so imposed or any condition of post-release control 18213  
described in division (B) of section 2967.131 of the Revised Code 18214  
that is imposed on the prisoner, the parole board may impose a 18215  
prison term of up to one-half of the stated prison term originally 18216  
imposed ~~upon~~ on the prisoner. 18217

At least thirty days before the prisoner is released from 18218  
imprisonment under post-release control, except as otherwise 18219  
provided in this paragraph, the department of rehabilitation and 18220  
correction shall notify the victim and the victim's immediate 18221

family of the date on which the prisoner will be released, the 18222  
period for which the prisoner will be under post-release control 18223  
supervision, and the terms and conditions of the prisoner's 18224  
post-release control regardless of whether the victim or victim's 18225  
immediate family has requested the notification. The notice 18226  
described in this paragraph shall not be given to a victim or 18227  
victim's immediate family if the victim or the victim's immediate 18228  
family has requested pursuant to division (B)(2) of section 18229  
2930.03 of the Revised Code that the notice not be provided to the 18230  
victim or the victim's immediate family. At least thirty days 18231  
before the prisoner is released from imprisonment and regardless 18232  
of whether the victim or victim's immediate family has requested 18233  
that the notice described in this paragraph be provided or not be 18234  
provided to the victim or the victim's immediate family, the 18235  
department also shall provide notice of that nature to the 18236  
prosecuting attorney in the case and the law enforcement agency 18237  
that arrested the prisoner if any officer of that agency was a 18238  
victim of the offense. 18239

If the notice given under the preceding paragraph to the 18240  
victim or the victim's immediate family is based on an offense 18241  
committed prior to March 22, 2013, and if the department of 18242  
rehabilitation and correction has not previously successfully 18243  
provided any notice to the victim or the victim's immediate family 18244  
under division (B), (C), or (D) of section 2930.16 of the Revised 18245  
Code with respect to that offense and the offender who committed 18246  
it, the notice also shall inform the victim or the victim's 18247  
immediate family that the victim or the victim's immediate family 18248  
may request that the victim or the victim's immediate family not 18249  
be provided any further notices with respect to that offense and 18250  
the offender who committed it and shall describe the procedure for 18251  
making that request. The department may give the notices to which 18252  
the preceding paragraph applies by any reasonable means, including 18253  
regular mail, telephone, and electronic mail. If the department 18254

attempts to provide notice to any specified person under the 18255  
preceding paragraph but the attempt is unsuccessful because the 18256  
department is unable to locate the specified person, is unable to 18257  
provide the notice by its chosen method because it cannot 18258  
determine the mailing address, electronic mail address, or 18259  
telephone number at which to provide the notice, or, if the notice 18260  
is sent by mail, the notice is returned, the department shall make 18261  
another attempt to provide the notice to the specified person. If 18262  
the second attempt is unsuccessful, the department shall make at 18263  
least one more attempt to provide the notice. If the notice is 18264  
based on an offense committed prior to March 22, 2013, in each 18265  
attempt to provide the notice to the victim or victim's immediate 18266  
family, the notice shall include the opt-out information described 18267  
in this paragraph. The department, in the manner described in 18268  
division (D)(2) of section 2930.16 of the Revised Code, shall keep 18269  
a record of all attempts to provide the notice, and of all notices 18270  
provided, under this paragraph and the preceding paragraph. The 18271  
record shall be considered as if it was kept under division (D)(2) 18272  
of section 2930.16 of the Revised Code. This paragraph, the 18273  
preceding paragraph, and the notice-related provisions of 18274  
divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 18275  
section 2930.16, division (H) of section 2967.12, division 18276  
(E)(1)(b) of section 2967.19, division (A)(3)(b) of section 18277  
2967.26, and division (A)(2) of section 5149.101 of the Revised 18278  
Code enacted in the act in which this paragraph and the preceding 18279  
paragraph were enacted, shall be known as "Roberta's Law." 18280

(2) If a prisoner who is placed on post-release control under 18281  
this section is released before the expiration of the definite 18282  
term that is the prisoner's stated prison term or the expiration 18283  
of the minimum term that is part of the prisoner's indefinite 18284  
prison term imposed under a non-life felony indefinite prison term 18285  
by reason of credit earned under section 2967.193 or a reduction 18286  
under division (F) of section 2967.271 of the Revised Code and if 18287

the prisoner earned sixty or more days of credit, the adult parole authority ~~shall~~ may supervise the offender with an active global positioning system device for the first fourteen days after the offender's release from imprisonment. This division does not prohibit or limit the imposition of any post-release control sanction otherwise authorized by this section.

(3) ~~At any time after~~ After a prisoner is released from imprisonment and during the period of post-release control applicable to the releasee, the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may review the releasee's behavior under the post-release control sanctions imposed upon the releasee under this section. The authority or court may determine, based upon the review and in accordance with the standards established under division (E) of this section, that ~~a more restrictive or a less restrictive sanction is appropriate and may impose a different sanction. The authority also may recommend that the parole board or court increase or reduce the duration of the period of post release control imposed by the court. If the authority recommends that the board or court increase the duration of post release control, the board or court shall review the releasee's behavior and may increase the duration of the period of post release control imposed by the court up to eight years. If the authority recommends that the board or court reduce the duration of control for an offense described in division (B) or (C) of this section, the board or court shall review the releasee's behavior and, subject to divisions (D)(3)(a) to (c) of this section, may reduce the duration of the period of control imposed by the court or, if the period of control was imposed for a non life felony indefinite prison term, reduce the duration of or terminate the period of control imposed by the court~~ the releasee has satisfactorily complied with the sanctions imposed, and if such a determination is made, the authority may recommend a

less restrictive sanction, reduce the period of post-release control, or, no sooner than the minimum period of time required under section 2967.16 of the Revised Code, recommend that the parole board or court terminate the duration of the period of post-release control. In no case shall the board or court ~~do any of the following:~~

~~(a) Reduce reduce the duration of the period of control imposed for ~~an~~ a felony sex offense described in division (B)(1) of this section ~~to a period less than the length of the definite prison term included in the stated prison term originally imposed on the offender as part of the sentence or, with respect to a stated non life felony indefinite prison term, to a period less than the length of the minimum prison term imposed as part of that stated prison term;~~~~

~~(b) Consider any reduction or termination of the duration of the period of control imposed on a releasee prior to the expiration of one year after the commencement of the period of control, if the period of control was imposed for a non life felony indefinite prison term and the releasee's minimum prison term or presumptive earned early release date under that term was extended for any length of time under division (C) or (D) of section 2967.271 of the Revised Code.~~

~~(c) Permit the releasee to leave the state without permission of the court or the releasee's parole or probation officer.~~

(4) The department of rehabilitation and correction shall develop factors that the parole board or court shall consider in determining under division (D)(3) of this section whether to terminate the period of control imposed on a releasee ~~for a non life felony indefinite prison term.~~

(E) The department of rehabilitation and correction, in accordance with Chapter 119. of the Revised Code, shall adopt

rules that do all of the following: 18352

(1) Establish standards for the imposition by the parole 18353  
board of post-release control sanctions under this section that 18354  
are consistent with the overriding purposes and sentencing 18355  
principles set forth in section 2929.11 of the Revised Code and 18356  
that are appropriate to the needs of releasees; 18357

(2) Establish standards that provide for a period of 18358  
post-release control of up to ~~three~~ two years for all prisoners 18359  
described in division (C) of this section who are to be released 18360  
before the expiration of their stated prison term under a risk 18361  
reduction sentence and standards by which the parole board can 18362  
determine which prisoners described in division (C) of this 18363  
section who are not to be released before the expiration of their 18364  
stated prison term under a risk reduction sentence should be 18365  
placed under a period of post-release control; 18366

(3) Establish standards to be used by the parole board in 18367  
reducing or terminating the duration of the period of post-release 18368  
control imposed by the court when authorized under division (D) of 18369  
this section, in imposing a more restrictive post-release control 18370  
sanction than monitored time ~~upon~~ on a prisoner convicted of a 18371  
felony of the fourth or fifth degree other than a felony sex 18372  
offense, or in imposing a less restrictive control sanction ~~upon~~ 18373  
on a releasee based on results from the single validated risk 18374  
assessment tool and on the releasee's activities including, but 18375  
not limited to, remaining free from criminal activity and from the 18376  
abuse of alcohol or other drugs, successfully participating in 18377  
approved rehabilitation programs, maintaining employment, and 18378  
paying restitution to the victim or meeting the terms of other 18379  
financial sanctions; 18380

(4) Establish standards to be used by the adult parole 18381  
authority in modifying a releasee's post-release control sanctions 18382  
pursuant to division (D)(2) of this section; 18383

(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following:

(a) Classify violations according to the degree of seriousness;

(b) Define the circumstances under which formal action by the parole board is warranted;

(c) Govern the use of evidence at violation hearings;

(d) Ensure procedural due process to an alleged violator;

(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;

(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.

(F)(1) Whenever the parole board imposes one or more post-release control sanctions ~~upon~~ on an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, 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 directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this

section. 18415

(2) If the adult parole authority or, pursuant to an 18416  
agreement under section 2967.29 of the Revised Code, the court 18417  
determines that a releasee has violated a post-release control 18418  
sanction or any conditions described in division (A) of section 18419  
2967.131 of the Revised Code imposed ~~upon~~ on the releasee and that 18420  
a more restrictive sanction is appropriate, the authority or court 18421  
may impose a more restrictive sanction ~~upon~~ on the releasee, in 18422  
accordance with the standards established under division (E) of 18423  
this section or in accordance with the agreement made under 18424  
section 2967.29 of the Revised Code, or may report the violation 18425  
to the parole board for a hearing pursuant to division (F)(3) of 18426  
this section. The authority or court may not, pursuant to this 18427  
division, increase the duration of the releasee's post-release 18428  
control or impose as a post-release control sanction a residential 18429  
sanction that includes a prison term, but the authority or court 18430  
may impose on the releasee any other residential sanction, 18431  
nonresidential sanction, or financial sanction that the sentencing 18432  
court was authorized to impose pursuant to sections 2929.16, 18433  
2929.17, and 2929.18 of the Revised Code. 18434

(3) The parole board or, pursuant to an agreement under 18435  
section 2967.29 of the Revised Code, the court may hold a hearing 18436  
on any alleged violation by a releasee of a post-release control 18437  
sanction or any conditions described in division (A) of section 18438  
2967.131 of the Revised Code that are imposed upon the releasee. 18439  
If after the hearing the board or court finds that the releasee 18440  
violated the sanction or condition, the board or court may 18441  
increase the duration of the releasee's post-release control up to 18442  
the maximum duration authorized by division (B) or (C) of this 18443  
section or impose a more restrictive post-release control 18444  
sanction. If a releasee was acting pursuant to division (B)(2)(b) 18445  
of section 2925.11 of the Revised Code and in so doing violated 18446

the conditions of a post-release control sanction based on a minor 18447  
drug possession offense as defined in that section, the board or 18448  
the court may consider the releasee's conduct in seeking or 18449  
obtaining medical assistance for another in good faith or for self 18450  
or may consider the releasee being the subject of another person 18451  
seeking or obtaining medical assistance in accordance with that 18452  
division as a mitigating factor before imposing any of the 18453  
penalties described in this division. When appropriate, the board 18454  
or court may impose as a post-release control sanction a 18455  
residential sanction that includes a prison term. The board or 18456  
court shall consider a prison term as a post-release control 18457  
sanction imposed for a violation of post-release control when the 18458  
violation involves a deadly weapon or dangerous ordnance, physical 18459  
harm or attempted serious physical harm to a person, or sexual 18460  
misconduct. Unless a releasee's stated prison term was reduced 18461  
pursuant to section 5120.032 of the Revised Code, the period of a 18462  
prison term that is imposed as a post-release control sanction 18463  
under this division shall not exceed nine months, and the maximum 18464  
cumulative prison term for all violations under this division 18465  
shall not exceed one-half of the definite prison term that was the 18466  
stated prison term originally imposed ~~upon~~ on the offender as part 18467  
of this sentence or, with respect to a stated non-life felony 18468  
indefinite prison term, one-half of the minimum prison term that 18469  
was imposed as part of that stated prison term originally imposed 18470  
~~upon~~ on the offender. If a releasee's stated prison term was 18471  
reduced pursuant to section 5120.032 of the Revised Code, the 18472  
period of a prison term that is imposed as a post-release control 18473  
sanction under this division and the maximum cumulative prison 18474  
term for all violations under this division shall not exceed the 18475  
period of time not served in prison under the sentence imposed by 18476  
the court. The period of a prison term that is imposed as a 18477  
post-release control sanction under this division shall not count 18478  
as, or be credited toward, the remaining period of post-release 18479

control. If, during the period of the releasee's post-release control, the releasee serves as a post-release control sanction the maximum prison time available as a sanction, the post-release control shall terminate. 18480  
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If an offender is imprisoned for a felony committed while under post-release control supervision and is again released on post-release control for a period of time ~~determined by division (F)(4)(d) of this section~~, the maximum cumulative prison term for all violations under this division shall not exceed one-half of the total stated prison terms of the earlier felony, reduced by any prison term administratively imposed by the parole board or court, plus one-half of the total stated prison term of the new felony. 18484  
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~~(4) Any period of post release control shall commence upon an offender's actual release from prison. If an offender is serving an indefinite prison term or a life sentence in addition to a stated prison term, the offender shall serve the period of post release control in the following manner:~~ 18493  
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~~(a) If a period of post release control is imposed upon the offender and if the offender also is subject to a period of parole under a life sentence or an indefinite sentence, and if the period of post release control ends prior to the period of parole, the offender shall be supervised on parole. The offender shall receive credit for post release control supervision during the period of parole. The offender is not eligible for final release under section 2967.16 of the Revised Code until the post release control period otherwise would have ended.~~ 18498  
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~~(b) If a period of post release control is imposed upon the offender and if the offender also is subject to a period of parole under an indefinite sentence, and if the period of parole ends prior to the period of post release control, the offender shall be supervised on post release control. The requirements of parole~~ 18507  
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~~supervision shall be satisfied during the post release control  
period.~~ 18512  
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~~(c) If an offender is subject to more than one period of  
post release control, the period of post release control for all  
of the sentences shall be the period of post release control that  
expires last, as determined by the parole board or court. Periods  
of post release control shall be served concurrently and shall not  
be imposed consecutively to each other.~~ 18514  
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(d)(G)(1) If an offender is simultaneously subject to a  
period of parole under an indefinite or life sentence and a period  
of post-release control, or is simultaneously subject to two  
periods of post-release control, the period of supervision that  
expires last shall determine the length and form of supervision  
for all the periods and the related sentences. 18520  
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(2) An offender shall receive credit for post-release control  
supervision during the period of parole, and shall not be eligible  
for final release under section 2967.16 of the Revised Code until  
the post-release control period otherwise would have ended. 18526  
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(3) If the period of parole ends prior to the end of the  
period of post-release control, the requirements of parole  
supervision shall be satisfied during the post-release control  
period. 18530  
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(H)(1) A period of post-release control shall not be imposed  
consecutively to any other post-release control period. 18534  
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(2) The period of post-release control for a releasee who  
commits a felony while under post-release control for an earlier  
felony shall be the longer of the period of post-release control  
specified for the new felony under division (B) or (C) of this  
section or the time remaining under the period of post-release  
control imposed for the earlier felony as determined by the parole  
board or court. 18536  
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**Sec. 2981.13.** (A) Except as otherwise provided in this 18543  
section, property ordered forfeited as contraband, proceeds, or an 18544  
instrumentality pursuant to this chapter shall be disposed of, 18545  
used, or sold pursuant to section 2981.12 of the Revised Code. If 18546  
the property is to be sold under that section, the prosecutor 18547  
shall cause notice of the proposed sale to be given in accordance 18548  
with law. 18549

(B) If the contraband or instrumentality forfeited under this 18550  
chapter is sold, any moneys acquired from a sale and any proceeds 18551  
forfeited under this chapter shall be applied in the following 18552  
order: 18553

(1) First, to pay costs incurred in the seizure, storage, 18554  
maintenance, security, and sale of the property and in the 18555  
forfeiture proceeding; 18556

(2) Second, in a criminal forfeiture case, to satisfy any 18557  
restitution ordered to the victim of the offense or, in a civil 18558  
forfeiture case, to satisfy any recovery ordered for the person 18559  
harmed, unless paid from other assets; 18560

(3) Third, to pay the balance due on any security interest 18561  
preserved under this chapter; 18562

(4) Fourth, apply the remaining amounts as follows: 18563

(a) If the forfeiture was ordered by a juvenile court, ten 18564  
per cent to one or more community addiction services providers as 18565  
specified in division (D) of section 2981.12 of the Revised Code; 18566

(b) If the forfeiture was ordered in a juvenile court, ninety 18567  
per cent, and if the forfeiture was ordered in a court other than 18568  
a juvenile court, one hundred per cent to the law enforcement 18569  
trust fund of the prosecutor and to the following fund supporting 18570  
the law enforcement agency that substantially conducted the 18571  
investigation: 18572

(i) The law enforcement trust fund of the county sheriff, municipal corporation, township, or park district created under section 511.18 or 1545.01 of the Revised Code;	18573 18574 18575
(ii) The state highway patrol contraband, forfeiture, and other fund;	18576 18577
(iii) The department of public safety investigative unit contraband, forfeiture, and other fund;	18578 18579
(iv) The department of taxation enforcement fund;	18580
(v) The board of pharmacy drug law enforcement fund created by division (B)(1) of section 4729.65 of the Revised Code;	18581 18582
(vi) The medicaid fraud investigation and prosecution fund;	18583
(vii) The bureau of criminal identification and investigation asset forfeiture and cost reimbursement fund created by section 109.521 of the Revised Code;	18584 18585 18586
(viii) The casino control commission enforcement fund created by section 3772.36 of the Revised Code;	18587 18588
(ix) The auditor of state investigation and forfeiture trust fund established under section 117.54 of the Revised Code;	18589 18590
(x) The treasurer of state for deposit into the <del>peace officer</del> <u>Ohio law enforcement</u> training <del>commission</del> fund if any other state law enforcement agency substantially conducted the investigation.	18591 18592 18593
In the case of property forfeited for medicaid fraud, any remaining amount shall be used by the attorney general to investigate and prosecute medicaid fraud offenses.	18594 18595 18596
If the prosecutor declines to accept any of the remaining amounts, the amounts shall be applied to the fund of the agency that substantially conducted the investigation.	18597 18598 18599
(c) If more than one law enforcement agency is substantially involved in the seizure of property forfeited under this chapter,	18600 18601

the court ordering the forfeiture shall equitably divide the 18602  
amounts, after calculating any distribution to the law enforcement 18603  
trust fund of the prosecutor pursuant to division (B)(4) of this 18604  
section, among the entities that the court determines were 18605  
substantially involved in the seizure. 18606

(C)(1) A law enforcement trust fund shall be established by 18607  
the prosecutor of each county who intends to receive any remaining 18608  
amounts pursuant to this section, by the sheriff of each county, 18609  
by the legislative authority of each municipal corporation, by the 18610  
board of township trustees of each township that has a township 18611  
police department, township or joint police district police force, 18612  
or office of the constable, and by the board of park commissioners 18613  
of each park district created pursuant to section 511.18 or 18614  
1545.01 of the Revised Code that has a park district police force 18615  
or law enforcement department, for the purposes of this section. 18616

There is hereby created in the state treasury the state 18617  
highway patrol contraband, forfeiture, and other fund, the 18618  
department of public safety investigative unit contraband, 18619  
forfeiture, and other fund, the medicaid fraud investigation and 18620  
prosecution fund, and the department of taxation enforcement fund, 18621  
~~and the peace officer training commission fund~~, for the purposes 18622  
of this section. 18623

Amounts distributed to any municipal corporation, township, 18624  
or park district law enforcement trust fund shall be allocated 18625  
from the fund by the legislative authority only to the police 18626  
department of the municipal corporation, by the board of township 18627  
trustees only to the township police department, township police 18628  
district police force, or office of the constable, by the joint 18629  
police district board only to the joint police district, and by 18630  
the board of park commissioners only to the park district police 18631  
force or law enforcement department. 18632

(2)(a) No amounts shall be allocated to a fund under this 18633

section or used by an agency unless the agency has adopted a 18634  
written internal control policy that addresses the use of moneys 18635  
received from the appropriate fund. The appropriate fund shall be 18636  
expended only in accordance with that policy and, subject to the 18637  
requirements specified in this section, only for the following 18638  
purposes: 18639

(i) To pay the costs of protracted or complex investigations 18640  
or prosecutions; 18641

(ii) To provide reasonable technical training or expertise; 18642

(iii) To provide matching funds to obtain federal grants to 18643  
aid law enforcement, in the support of DARE programs or other 18644  
programs designed to educate adults or children with respect to 18645  
the dangers associated with the use of drugs of abuse; 18646

(iv) To pay the costs of emergency action taken under section 18647  
3745.13 of the Revised Code relative to the operation of an 18648  
illegal methamphetamine laboratory if the forfeited property or 18649  
money involved was that of a person responsible for the operation 18650  
of the laboratory; 18651

(v) For other law enforcement purposes that the 18652  
superintendent of the state highway patrol, department of public 18653  
safety, attorney general, auditor of state, prosecutor, county 18654  
sheriff, legislative authority, department of taxation, Ohio 18655  
casino control commission, board of township trustees, or board of 18656  
park commissioners determines to be appropriate. 18657

(b) The board of pharmacy drug law enforcement fund shall be 18658  
expended only in accordance with the written internal control 18659  
policy so adopted by the board and only in accordance with section 18660  
4729.65 of the Revised Code, except that it also may be expended 18661  
to pay the costs of emergency action taken under section 3745.13 18662  
of the Revised Code relative to the operation of an illegal 18663  
methamphetamine laboratory if the forfeited property or money 18664

involved was that of a person responsible for the operation of the laboratory. 18665  
18666

(c) A fund listed in division (B)(4)(b) of this section, 18667  
other than the Medicaid fraud investigation and prosecution fund, 18668  
shall not be used to meet the operating costs of the agency, 18669  
office, or political subdivision that are unrelated to law 18670  
enforcement. 18671

(d) Forfeited moneys that are paid into the state treasury to 18672  
be deposited into the ~~peace officer~~ Ohio law enforcement training 18673  
~~commission~~ fund pursuant to this section shall be used by the 18674  
commission only to pay the costs of peace officer training. 18675

(3) Any of the following offices or agencies that receive 18676  
amounts under this section during any calendar year shall file a 18677  
report with the specified entity, not later than the thirty-first 18678  
day of January of the next calendar year, verifying that the 18679  
moneys were expended only for the purposes authorized by this 18680  
section or other relevant statute and specifying the amounts 18681  
expended for each authorized purpose: 18682

(a) Any sheriff or prosecutor shall file the report with the 18683  
county auditor. 18684

(b) Any municipal corporation police department shall file 18685  
the report with the legislative authority of the municipal 18686  
corporation. 18687

(c) Any township police department, township or joint police 18688  
district police force, or office of the constable shall file the 18689  
report with the board of township trustees of the township. 18690

(d) Any park district police force or law enforcement 18691  
department shall file the report with the board of park 18692  
commissioners of the park district. 18693

(e) The superintendent of the state highway patrol, the 18694

auditor of state, and the tax commissioner shall file the report 18695  
with the attorney general. 18696

(f) The executive director of the state board of pharmacy 18697  
shall file the report with the attorney general, verifying that 18698  
cash and forfeited proceeds paid into the board of pharmacy drug 18699  
law enforcement fund were used only in accordance with section 18700  
4729.65 of the Revised Code. 18701

(g) The peace officer training commission shall file a report 18702  
with the attorney general, verifying that cash and forfeited 18703  
proceeds paid into the ~~peace officer~~ Ohio law enforcement training 18704  
~~commission~~ fund pursuant to this section during the prior calendar 18705  
year were used by the commission during the prior calendar year 18706  
only to pay the costs of peace officer training. 18707

(h) The executive director of the Ohio casino control 18708  
commission shall file the report with the attorney general, 18709  
verifying that cash and forfeited proceeds paid into the casino 18710  
control commission enforcement fund were used only in accordance 18711  
with section 3772.36 of the Revised Code. 18712

(D) The written internal control policy of a county sheriff, 18713  
prosecutor, municipal corporation police department, township 18714  
police department, township or joint police district police force, 18715  
office of the constable, or park district police force or law 18716  
enforcement department shall provide that at least ten per cent of 18717  
the first one hundred thousand dollars of amounts deposited during 18718  
each calendar year in the agency's law enforcement trust fund 18719  
under this section, and at least twenty per cent of the amounts 18720  
exceeding one hundred thousand dollars that are so deposited, 18721  
shall be used in connection with community preventive education 18722  
programs. The manner of use shall be determined by the sheriff, 18723  
prosecutor, department, police force, or office of the constable 18724  
after receiving and considering advice on appropriate community 18725  
preventive education programs from the county's board of alcohol, 18726

drug addiction, and mental health services, from the county's 18727  
alcohol and drug addiction services board, or through appropriate 18728  
community dialogue. 18729

The financial records kept under the internal control policy 18730  
shall specify the amount deposited during each calendar year in 18731  
the portion of that amount that was used pursuant to this 18732  
division, and the programs in connection with which the portion of 18733  
that amount was so used. 18734

As used in this division, "community preventive education 18735  
programs" include, but are not limited to, DARE programs and other 18736  
programs designed to educate adults or children with respect to 18737  
the dangers associated with using drugs of abuse. 18738

(E) Upon the sale, under this section or section 2981.12 of 18739  
the Revised Code, of any property that is required by law to be 18740  
titled or registered, the state shall issue an appropriate 18741  
certificate of title or registration to the purchaser. If the 18742  
state is vested with title and elects to retain property that is 18743  
required to be titled or registered under law, the state shall 18744  
issue an appropriate certificate of title or registration. 18745

(F) Any failure of a law enforcement officer or agency, 18746  
prosecutor, court, or the attorney general to comply with this 18747  
section in relation to any property seized does not affect the 18748  
validity of the seizure and shall not be considered to be the 18749  
basis for suppressing any evidence resulting from the seizure, 18750  
provided the seizure itself was lawful. 18751

(G) As used in this section, "Ohio law enforcement training 18752  
fund" means the state law enforcement training fund described in 18753  
division (C)(3)(f) of Section 6 of Article XV, Ohio Constitution. 18754

**Sec. 3107.014.** (A) Except as provided in division (B) of this 18755  
section, only an individual who meets all of the following 18756

requirements may perform the duties of an assessor under sections 18757  
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 18758  
5103.0324, and 5103.152 of the Revised Code: 18759

(1) The individual must be in the employ of, appointed by, or 18760  
under contract with a court, public children services agency, 18761  
private child placing agency, or private noncustodial agency; 18762

(2) The individual must be one of the following: 18763

(a) A licensed professional clinical counselor, licensed 18764  
professional counselor, independent social worker, social worker, 18765  
independent marriage and family therapist, or marriage and family 18766  
therapist licensed under Chapter 4757. of the Revised Code; 18767

(b) A psychologist licensed under Chapter 4732. of the 18768  
Revised Code; 18769

(c) A student working to earn a four-year, post-secondary 18770  
degree, or higher, in a social or behavior science, or both, who 18771  
conducts assessor's duties under the supervision of a licensed 18772  
professional clinical counselor, licensed professional counselor, 18773  
independent social worker, social worker, independent marriage and 18774  
family therapist, or marriage and family therapist licensed under 18775  
Chapter 4757. of the Revised Code or a psychologist licensed under 18776  
Chapter 4732. of the Revised Code. Beginning July 1, 2009, a 18777  
student is eligible under this division only if the supervising 18778  
licensed professional clinical counselor, licensed professional 18779  
counselor, independent social worker, social worker, independent 18780  
marriage and family therapist, marriage and family therapist, or 18781  
psychologist has completed training in accordance with rules 18782  
adopted under section 3107.015 of the Revised Code. 18783

(d) A civil service employee engaging in social work without 18784  
a license under Chapter 4757. of the Revised Code, as permitted by 18785  
division (A)(5) of section 4757.41 of the Revised Code; 18786

(e) A former employee of a public children services agency 18787

who, while so employed, conducted the duties of an assessor or the 18788  
duties of a PCSA caseworker as defined in section 5153.01 of the 18789  
Revised Code; 18790

(f) An employee of a court or public children services agency 18791  
who is employed to conduct the duties of an assessor-i 18792

(g) A caseworker or caseworker supervisor as defined in 18793  
section 5153.01 of the Revised Code; 18794

(h) An individual with a master's degree in social work or a 18795  
related field and who is currently employed, and has been employed 18796  
for at least two years, in a human-services-related occupation. 18797

(3) The individual must complete training in accordance with 18798  
rules adopted under section 3107.015 of the Revised Code. 18799

(B) An individual in the employ of, appointed by, or under 18800  
contract with a court prior to September 18, 1996, to conduct 18801  
adoption investigations of prospective adoptive parents may 18802  
perform the duties of an assessor under sections 3107.031, 18803  
3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 18804  
5103.152 of the Revised Code if the individual complies with 18805  
division (A)(3) of this section regardless of whether the 18806  
individual meets the requirement of division (A)(2) of this 18807  
section. 18808

(C) A court, public children services agency, private child 18809  
placing agency, or private noncustodial agency may employ, 18810  
appoint, or contract with an assessor in the county in which a 18811  
petition for adoption is filed and in any other county or location 18812  
outside this state where information needed to complete or 18813  
supplement the assessor's duties may be obtained. More than one 18814  
assessor may be utilized for an adoption. 18815

(D) Not later than January 1, 2008, the department of job and 18816  
family services shall develop and maintain an assessor registry. 18817  
The registry shall list all individuals who are employed, 18818

appointed by, or under contract with a court, public children 18819  
services agency, private child placing agency, or private 18820  
noncustodial agency and meet the requirements of an assessor as 18821  
described in this section. A public children services agency, 18822  
private child placing agency, private noncustodial agency, court, 18823  
or any other person may contact the department to determine if an 18824  
individual is listed in the assessor registry. An individual 18825  
listed in the assessor registry shall immediately inform the 18826  
department when that individual is no longer employed, appointed 18827  
by, or under contract with a court, public children services 18828  
agency, private child placing agency, or private noncustodial 18829  
agency to perform the duties of an assessor as described in this 18830  
section. The director of job and family services shall adopt rules 18831  
in accordance with Chapter 119. of the Revised Code necessary for 18832  
the implementation, contents, and maintenance of the registry, and 18833  
any sanctions related to the provision of information, or the 18834  
failure to provide information, that is needed for the proper 18835  
operation of the assessor registry. 18836

**Sec. 3107.03.** The following persons may adopt: 18837

(A) A ~~husband and wife~~ legally married couple together, at 18838  
least one of whom is an adult; 18839

(B) An unmarried adult; 18840

(C) The unmarried minor parent of the person to be adopted; 18841

(D) A married adult without the other spouse joining as a 18842  
petitioner if any of the following apply: 18843

(1) The other spouse is a parent of the person to be adopted 18844  
and supports the adoption; 18845

(2) The petitioner and the other spouse are separated under 18846  
section 3103.06 or 3105.17 of the Revised Code; 18847

(3) The failure of the other spouse to join in the petition 18848

or to support the adoption is found by the court to be by reason 18849  
of prolonged unexplained absence, unavailability, incapacity, or 18850  
circumstances that make it impossible or unreasonably difficult to 18851  
obtain either the support or refusal of the other spouse. 18852

**Sec. 3107.11.** (A) After the filing of a petition to adopt an 18853  
adult or a minor, the court shall fix a time and place for hearing 18854  
the petition. The hearing may take place at any time more than 18855  
thirty days after the date on which the minor is placed in the 18856  
home of the petitioner. At least twenty days before the date of 18857  
hearing, notice of the filing of the petition and of the time and 18858  
place of hearing shall be given by the court to all of the 18859  
following: 18860

(1) Any juvenile court, agency, or person whose consent to 18861  
the adoption is required by this chapter but who has not 18862  
consented; 18863

(2) A person whose consent is not required as provided by 18864  
division (A), (G), (H), or (I) of section 3107.07 of the Revised 18865  
Code and has not consented; 18866

(3) Any guardian, custodian, or other party who has temporary 18867  
custody or permanent custody of the child. 18868

Notice shall not be given to a person whose consent is not 18869  
required as provided by division (B), (C), (D), (E), (F), or (J) 18870  
of section 3107.07, or section 3107.071, of the Revised Code. 18871  
Second notice shall not be given to a juvenile court, agency, or 18872  
person whose consent is not required as provided by division (K) 18873  
of section 3107.07 of the Revised Code because the court, agency, 18874  
or person failed to file an objection to the petition within 18875  
fourteen days after proof was filed pursuant to division (B) of 18876  
this section that a first notice was given to the court, agency, 18877  
or person pursuant to division (A)(1) of this section. 18878

(B) Upon the filing of a petition for adoption that alleges 18879  
that a parent has failed without justifiable cause to provide more 18880  
than de minimis contact with the minor or to provide for the 18881  
maintenance and support of the minor, the clerk of courts shall 18882  
send a notice to that parent with the following language in 18883  
boldface type and in all capital letters: 18884

"A FINAL DECREE OF ADOPTION, IF GRANTED, WILL RELIEVE YOU OF ALL 18885  
PARENTAL RIGHTS AND RESPONSIBILITIES, INCLUDING THE RIGHT TO 18886  
CONTACT THE MINOR, AND, EXCEPT WITH RESPECT TO A SPOUSE OF THE 18887  
ADOPTION PETITIONER AND RELATIVES OF THAT SPOUSE, TERMINATE ALL 18888  
LEGAL RELATIONSHIPS BETWEEN THE MINOR AND YOU AND THE MINOR'S 18889  
OTHER RELATIVES, SO THAT THE MINOR THEREAFTER IS A STRANGER TO YOU 18890  
AND THE MINOR'S FORMER RELATIVES FOR ALL PURPOSES, WITH THE 18891  
EXCEPTION OF DIVISION (A)(1)(b) OF SECTION 3107.15 OF THE REVISED 18892  
CODE. IF YOU WISH TO CONTEST THE ADOPTION, YOU MUST FILE AN 18893  
OBJECTION TO THE PETITION WITHIN FOURTEEN DAYS AFTER PROOF OF 18894  
SERVICE OF NOTICE OF THE FILING OF THE PETITION AND OF THE TIME 18895  
AND PLACE OF HEARING IS GIVEN TO YOU. IF YOU WISH TO CONTEST THE 18896  
ADOPTION, YOU MUST ALSO APPEAR AT THE HEARING. A FINAL DECREE OF 18897  
ADOPTION MAY BE ENTERED IF YOU FAIL TO FILE AN OBJECTION TO THE 18898  
ADOPTION PETITION OR APPEAR AT THE HEARING." 18899

(C) All notices required under this section shall be given as 18900  
specified in the Rules of Civil Procedure. Proof of the giving of 18901  
notice shall be filed with the court before the petition is heard. 18902

**Sec. 3107.15.** (A) A final decree of adoption and an 18903  
interlocutory order of adoption that has become final as issued by 18904  
a court of this state, or a decree issued by a jurisdiction 18905  
outside this state as recognized pursuant to section 3107.18 of 18906  
the Revised Code, shall have the following effects as to all 18907  
matters within the jurisdiction or before a court of this state, 18908  
whether issued before or after May 30, 1996: 18909

(1)(a) Except with respect to a spouse of the petitioner and 18910  
relatives of the spouse, to relieve the biological or other legal 18911  
parents of the adopted person of all parental rights and 18912  
responsibilities, and to terminate all legal relationships between 18913  
the adopted person and the adopted person's relatives, including 18914  
the adopted person's biological or other legal parents, so that, 18915  
except as provided under division (A)(1)(b) of this section, the 18916  
adopted person thereafter is a stranger to the adopted person's 18917  
former relatives for all purposes including inheritance and the 18918  
interpretation or construction of documents, statutes, and 18919  
instruments, whether executed before or after the adoption is 18920  
decreed, which do not expressly include the person by name or by 18921  
some designation not based on a parent and child or blood 18922  
relationship; 18923

(b) The legal parents of an adopted person may be notified 18924  
that a sibling of the adopted person has been placed into 18925  
out-of-home care. For the purposes of this division, "sibling" 18926  
means a former biological sibling, former legal sibling, or any 18927  
person who would have been considered a sibling if not for a 18928  
termination or other disruption of parental rights. 18929

(2) To create the relationship of parent and child between 18930  
petitioner and the adopted person, as if the adopted person were a 18931  
legitimate blood descendant of the petitioner, for all purposes 18932  
including inheritance and applicability of statutes, documents, 18933  
and instruments, whether executed before or after the adoption is 18934  
decreed, and whether executed or created before or after May 30, 18935  
1996, which do not expressly exclude an adopted person from their 18936  
operation or effect; 18937

(3) Notwithstanding division (A)(2) of this section, a person 18938  
who is eighteen years of age or older at the time the person is 18939  
adopted, and the adopted person's lineal descendants, are not 18940  
included as recipients of gifts, devises, bequests, or other 18941

transfers of property, including transfers in trust made to a 18942  
class of persons including, but not limited to, children, 18943  
grandchildren, heirs, issue, lineal descendants, and next of kin, 18944  
for purposes of inheritance and applicability of statutes, 18945  
documents, and instruments, whether executed or created before or 18946  
after May 30, 1996, unless the document or instrument expressly 18947  
includes the adopted person by name or expressly states that it 18948  
includes a person who is eighteen years of age or older at the 18949  
time the person is adopted. 18950

(B) Notwithstanding division (A) of this section, if a parent 18951  
of a child dies without the relationship of parent and child 18952  
having been previously terminated and a spouse of the living 18953  
parent thereafter adopts the child, the child's rights from or 18954  
through the deceased parent for all purposes, including 18955  
inheritance and applicability or construction of documents, 18956  
statutes, and instruments, are not restricted or curtailed by the 18957  
adoption. 18958

(C) Notwithstanding division (A) of this section, if the 18959  
relationship of parent and child has not been terminated between a 18960  
parent and that parent's child and a spouse of the other parent of 18961  
the child adopts the child, a grandparent's or relative's right to 18962  
companionship or visitation pursuant to section 3109.11 of the 18963  
Revised Code is not restricted or curtailed by the adoption. 18964

(D) An interlocutory order of adoption, while it is in force, 18965  
has the same legal effect as a final decree of adoption. If an 18966  
interlocutory order of adoption is vacated, it shall be as though 18967  
void from its issuance, and the rights, liabilities, and status of 18968  
all affected persons that have not become vested are governed 18969  
accordingly. 18970

**Sec. 3113.31.** (A) As used in this section: 18971

(1) "Domestic violence" means any of the following: 18972

(a) The occurrence of one or more of the following acts	18973
against a family or household member:	18974
(i) Attempting to cause or recklessly causing bodily injury;	18975
(ii) Placing another person by the threat of force in fear of	18976
imminent serious physical harm or committing a violation of	18977
section 2903.211 or 2911.211 of the Revised Code;	18978
(iii) Committing any act with respect to a child that would	18979
result in the child being an abused child, as defined in section	18980
2151.031 of the Revised Code;	18981
(iv) Committing a sexually oriented offense.	18982
(b) The occurrence of one or more of the acts identified in	18983
divisions (A)(1)(a)(i) to (iv) of this section against a person	18984
with whom the respondent is or was in a dating relationship.	18985
(2) "Court" means the domestic relations division of the	18986
court of common pleas in counties that have a domestic relations	18987
division and the court of common pleas in counties that do not	18988
have a domestic relations division, or the juvenile division of	18989
the court of common pleas of the county in which the person to be	18990
protected by a protection order issued or a consent agreement	18991
approved under this section resides if the respondent is less than	18992
eighteen years of age.	18993
(3) "Family or household member" means any of the following:	18994
(a) Any of the following who is residing with or has resided	18995
with the respondent:	18996
(i) A spouse, a person living as a spouse, or a former spouse	18997
of the respondent;	18998
(ii) A parent, a foster parent, or a child of the respondent,	18999
or another person related by consanguinity or affinity to the	19000
respondent;	19001
(iii) A parent or a child of a spouse, person living as a	19002

spouse, or former spouse of the respondent, or another person 19003  
related by consanguinity or affinity to a spouse, person living as 19004  
a spouse, or former spouse of the respondent. 19005

(b) The natural parent of any child of whom the respondent is 19006  
the other natural parent or is the putative other natural parent. 19007

(4) "Person living as a spouse" means a person who is living 19008  
or has lived with the respondent in a common law marital 19009  
relationship, who otherwise is cohabiting with the respondent, or 19010  
who otherwise has cohabited with the respondent within five years 19011  
prior to the date of the alleged occurrence of the act in 19012  
question. 19013

(5) "Victim advocate" means a person who provides support and 19014  
assistance for a person who files a petition under this section. 19015

(6) "Sexually oriented offense" has the same meaning as in 19016  
section 2950.01 of the Revised Code. 19017

(7) "Companion animal" has the same meaning as in section 19018  
959.131 of the Revised Code. 19019

(8) "Dating relationship" means a relationship between 19020  
individuals who have, or have had, a relationship of a romantic or 19021  
intimate nature. "Dating relationship" does not include a casual 19022  
acquaintanceship or ordinary fraternization in a business or 19023  
social context. 19024

(9) "Person with whom the respondent is or was in a dating 19025  
relationship" means an adult who, at the time of the conduct in 19026  
question, is in a dating relationship with the respondent who also 19027  
is an adult or who, within the twelve months preceding the conduct 19028  
in question, has had a dating relationship with the respondent who 19029  
also is an adult. 19030

(B) The court has jurisdiction over all proceedings under 19031  
this section. The petitioner's right to relief under this section 19032

is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.

(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state:

(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent or against a person with whom the respondent is or was in a dating relationship, including a description of the nature and extent of the domestic violence;

(2) The relationship of the respondent to the petitioner, and to the victim if other than the petitioner;

(3) If the petition is for protection of a person with whom the respondent is or was in a dating relationship, the facts upon which the court may conclude that a dating relationship existed between the person to be protected and the respondent;

(4) A request for relief under this section.

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E)(1)(a), (b), or (c) of this section, that the court finds necessary to protect the family or household member or the person with whom the respondent is or was in a dating relationship from domestic violence. Immediate and present danger of domestic violence to the family or household member or to the person with whom the respondent is or was in a dating relationship constitutes good cause for purposes of this

section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the family or household member or person with whom the respondent is or was in a dating relationship with bodily harm, in which the respondent has threatened the family or household member or person with whom the respondent is or was in a dating relationship with a sexually oriented offense, or in which the respondent previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense that constitutes domestic violence against the family or household member or person with whom the respondent is or was in a dating relationship.

(2)(a) If the court, after an ex parte hearing, issues an order described in division (E)(1)(b) or (c) of this section, the court shall schedule a full hearing for a date that is within seven court days after the ex parte hearing. If any other type of protection order that is authorized under division (E) of this section is issued by the court after an ex parte hearing, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain

counsel. 19096

(iv) The continuance is needed for other good cause. 19097

(b) An ex parte order issued under this section does not 19098  
expire because of a failure to serve notice of the full hearing 19099  
upon the respondent before the date set for the full hearing under 19100  
division (D)(2)(a) of this section or because the court grants a 19101  
continuance under that division. 19102

(3) If a person who files a petition pursuant to this section 19103  
does not request an ex parte order, or if a person requests an ex 19104  
parte order but the court does not issue an ex parte order after 19105  
an ex parte hearing, the court shall proceed as in a normal civil 19106  
action and grant a full hearing on the matter. 19107

(E)(1) After an ex parte or full hearing, the court may grant 19108  
any protection order, with or without bond, or approve any consent 19109  
agreement to bring about a cessation of domestic violence against 19110  
the family or household members or persons with whom the 19111  
respondent is or was in a dating relationship. The order or 19112  
agreement may: 19113

(a) Direct the respondent to refrain from abusing or from 19114  
committing sexually oriented offenses against the family or 19115  
household members or persons with whom the respondent is or was in 19116  
a dating relationship; 19117

(b) With respect to a petition involving family or household 19118  
members, grant possession of the residence or household to the 19119  
petitioner or other family or household member, to the exclusion 19120  
of the respondent, by evicting the respondent, when the residence 19121  
or household is owned or leased solely by the petitioner or other 19122  
family or household member, or by ordering the respondent to 19123  
vacate the premises, when the residence or household is jointly 19124  
owned or leased by the respondent, and the petitioner or other 19125  
family or household member; 19126

(c) With respect to a petition involving family or household members, when the respondent has a duty to support the petitioner or other family or household member living in the residence or household and the respondent is the sole owner or lessee of the residence or household, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by ordering the respondent to vacate the premises, or, in the case of a consent agreement, allow the respondent to provide suitable, alternative housing;

(d) With respect to a petition involving family or household members, temporarily allocate parental rights and responsibilities for the care of, or establish temporary parenting time rights with regard to, minor children, if no other court has determined, or is determining, the allocation of parental rights and responsibilities for the minor children or parenting time rights;

(e) With respect to a petition involving family or household members, require the respondent to maintain support, if the respondent customarily provides for or contributes to the support of the family or household member, or if the respondent has a duty to support the petitioner or family or household member;

(f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek counseling;

(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or, with respect to a petition involving family or household members, a family or household member;

(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or, with respect to a petition involving family or household members, other family or household members and the apportionment of household and

family personal property; 19158

(i) Require that the respondent not remove, damage, hide, 19159  
harm, or dispose of any companion animal owned or possessed by the 19160  
petitioner; 19161

(j) Authorize the petitioner to remove a companion animal 19162  
owned by the petitioner from the possession of the respondent; 19163

(k) Require a wireless service transfer in accordance with 19164  
sections 3113.45 to 3113.459 of the Revised Code. 19165

(2) If a protection order has been issued pursuant to this 19166  
section in a prior action involving the respondent and the 19167  
petitioner or, with respect to a petition involving family or 19168  
household members, one or more of the family or household members 19169  
or victims, the court may include in a protection order that it 19170  
issues a prohibition against the respondent returning to the 19171  
residence or household. If it includes a prohibition against the 19172  
respondent returning to the residence or household in the order, 19173  
it also shall include in the order provisions of the type 19174  
described in division (E)(7) of this section. This division does 19175  
not preclude the court from including in a protection order or 19176  
consent agreement, in circumstances other than those described in 19177  
this division, a requirement that the respondent be evicted from 19178  
or vacate the residence or household or refrain from entering the 19179  
residence, school, business, or place of employment of the 19180  
petitioner or, with respect to a petition involving family or 19181  
household members, a family or household member, and, if the court 19182  
includes any requirement of that type in an order or agreement, 19183  
the court also shall include in the order provisions of the type 19184  
described in division (E)(7) of this section. 19185

(3)(a) Any protection order issued or consent agreement 19186  
approved under this section shall be valid until a date certain, 19187  
but not later than five years from the date of its issuance or 19188

approval, or not later than the date a respondent who is less than 19189  
eighteen years of age attains nineteen years of age, unless 19190  
modified or terminated as provided in division (E)(8) of this 19191  
section. 19192

(b) With respect to an order involving family or household 19193  
members, subject to the limitation on the duration of an order or 19194  
agreement set forth in division (E)(3)(a) of this section, any 19195  
order under division (E)(1)(d) of this section shall terminate on 19196  
the date that a court in an action for divorce, dissolution of 19197  
marriage, or legal separation brought by the petitioner or 19198  
respondent issues an order allocating parental rights and 19199  
responsibilities for the care of children or on the date that a 19200  
juvenile court in an action brought by the petitioner or 19201  
respondent issues an order awarding legal custody of minor 19202  
children. Subject to the limitation on the duration of an order or 19203  
agreement set forth in division (E)(3)(a) of this section, any 19204  
order under division (E)(1)(e) of this section shall terminate on 19205  
the date that a court in an action for divorce, dissolution of 19206  
marriage, or legal separation brought by the petitioner or 19207  
respondent issues a support order or on the date that a juvenile 19208  
court in an action brought by the petitioner or respondent issues 19209  
a support order. 19210

(c) Any protection order issued or consent agreement approved 19211  
pursuant to this section may be renewed in the same manner as the 19212  
original order or agreement was issued or approved. 19213

(4) A court may not issue a protection order that requires a 19214  
petitioner to do or to refrain from doing an act that the court 19215  
may require a respondent to do or to refrain from doing under 19216  
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 19217  
section unless all of the following apply: 19218

(a) The respondent files a separate petition for a protection 19219  
order in accordance with this section. 19220

(b) The petitioner is served notice of the respondent's 19221  
petition at least forty-eight hours before the court holds a 19222  
hearing with respect to the respondent's petition, or the 19223  
petitioner waives the right to receive this notice. 19224

(c) If the petitioner has requested an ex parte order 19225  
pursuant to division (D) of this section, the court does not delay 19226  
any hearing required by that division beyond the time specified in 19227  
that division in order to consolidate the hearing with a hearing 19228  
on the petition filed by the respondent. 19229

(d) After a full hearing at which the respondent presents 19230  
evidence in support of the request for a protection order and the 19231  
petitioner is afforded an opportunity to defend against that 19232  
evidence, the court determines that the petitioner has committed 19233  
an act of domestic violence or has violated a temporary protection 19234  
order issued pursuant to section 2919.26 of the Revised Code, that 19235  
both the petitioner and the respondent acted primarily as 19236  
aggressors, and that neither the petitioner nor the respondent 19237  
acted primarily in self-defense. 19238

(5) No protection order issued or consent agreement approved 19239  
under this section shall in any manner affect title to any real 19240  
property. 19241

(6)(a) With respect to an order involving family or household 19242  
members, if a petitioner, or the child of a petitioner, who 19243  
obtains a protection order or consent agreement pursuant to 19244  
division (E)(1) of this section or a temporary protection order 19245  
pursuant to section 2919.26 of the Revised Code and is the subject 19246  
of a parenting time order issued pursuant to section 3109.051 or 19247  
3109.12 of the Revised Code or a visitation or companionship order 19248  
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 19249  
Revised Code or division (E)(1)(d) of this section granting 19250  
parenting time rights to the respondent, the court may require the 19251  
public children services agency of the county in which the court 19252

is located to provide supervision of the respondent's exercise of 19253  
parenting time or visitation or companionship rights with respect 19254  
to the child for a period not to exceed nine months, if the court 19255  
makes the following findings of fact: 19256

(i) The child is in danger from the respondent; 19257

(ii) No other person or agency is available to provide the 19258  
supervision. 19259

(b) A court that requires an agency to provide supervision 19260  
pursuant to division (E)(6)(a) of this section shall order the 19261  
respondent to reimburse the agency for the cost of providing the 19262  
supervision, if it determines that the respondent has sufficient 19263  
income or resources to pay that cost. 19264

(7)(a) If a protection order issued or consent agreement 19265  
approved under this section includes a requirement that the 19266  
respondent be evicted from or vacate the residence or household or 19267  
refrain from entering the residence, school, business, or place of 19268  
employment of the petitioner or, with respect to a petition 19269  
involving family or household members, a family or household 19270  
member, the order or agreement shall state clearly that the order 19271  
or agreement cannot be waived or nullified by an invitation to the 19272  
respondent from the petitioner or other family or household member 19273  
to enter the residence, school, business, or place of employment 19274  
or by the respondent's entry into one of those places otherwise 19275  
upon the consent of the petitioner or other family or household 19276  
member. 19277

(b) Division (E)(7)(a) of this section does not limit any 19278  
discretion of a court to determine that a respondent charged with 19279  
a violation of section 2919.27 of the Revised Code, with a 19280  
violation of a municipal ordinance substantially equivalent to 19281  
that section, or with contempt of court, which charge is based on 19282  
an alleged violation of a protection order issued or consent 19283

agreement approved under this section, did not commit the 19284  
violation or was not in contempt of court. 19285

(8)(a) The court may modify or terminate as provided in 19286  
division (E)(8) of this section a protection order or consent 19287  
agreement that was issued after a full hearing under this section. 19288  
The court that issued the protection order or approved the consent 19289  
agreement shall hear a motion for modification or termination of 19290  
the protection order or consent agreement pursuant to division 19291  
(E)(8) of this section. 19292

(b) Either the petitioner or the respondent of the original 19293  
protection order or consent agreement may bring a motion for 19294  
modification or termination of a protection order or consent 19295  
agreement that was issued or approved after a full hearing. The 19296  
court shall require notice of the motion to be made as provided by 19297  
the Rules of Civil Procedure. If the petitioner for the original 19298  
protection order or consent agreement has requested that the 19299  
petitioner's address be kept confidential, the court shall not 19300  
disclose the address to the respondent of the original protection 19301  
order or consent agreement or any other person, except as 19302  
otherwise required by law. The moving party has the burden of 19303  
proof to show, by a preponderance of the evidence, that 19304  
modification or termination of the protection order or consent 19305  
agreement is appropriate because either the protection order or 19306  
consent agreement is no longer needed or because the terms of the 19307  
original protection order or consent agreement are no longer 19308  
appropriate. 19309

(c) In considering whether to modify or terminate a 19310  
protection order or consent agreement issued or approved under 19311  
this section, the court shall consider all relevant factors, 19312  
including, but not limited to, the following: 19313

(i) Whether the petitioner consents to modification or 19314  
termination of the protection order or consent agreement; 19315

(ii) Whether the petitioner fears the respondent;	19316
(iii) The current nature of the relationship between the petitioner and the respondent;	19317 19318
(iv) The circumstances of the petitioner and respondent, including the relative proximity of the petitioner's and respondent's workplaces and residences and whether the petitioner and respondent have minor children together;	19319 19320 19321 19322
(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;	19323 19324
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	19325 19326
(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement;	19327 19328 19329 19330
(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state;	19331 19332 19333 19334 19335
(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;	19336 19337 19338 19339
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	19340 19341
(xi) The age and health of the respondent;	19342
(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the	19343 19344 19345

petitioner or other protected parties. 19346

(d) If a protection order or consent agreement is modified or 19347  
terminated as provided in division (E)(8) of this section, the 19348  
court shall issue copies of the modified or terminated order or 19349  
agreement as provided in division (F) of this section. A 19350  
petitioner may also provide notice of the modification or 19351  
termination to the judicial and law enforcement officials in any 19352  
county other than the county in which the order or agreement is 19353  
modified or terminated as provided in division (N) of this 19354  
section. 19355

(e) If the respondent moves for modification or termination 19356  
of a protection order or consent agreement pursuant to this 19357  
section and the court denies the motion, the court may assess 19358  
costs against the respondent for the filing of the motion. 19359

(9) Any protection order issued or any consent agreement 19360  
approved pursuant to this section shall include a provision that 19361  
the court will automatically seal all of the records of the 19362  
proceeding in which the order is issued or agreement approved on 19363  
the date the respondent attains the age of nineteen years unless 19364  
the petitioner provides the court with evidence that the 19365  
respondent has not complied with all of the terms of the 19366  
protection order or consent agreement. The protection order or 19367  
consent agreement shall specify the date when the respondent 19368  
attains the age of nineteen years. 19369

(F)(1) A copy of any protection order, or consent agreement, 19370  
that is issued, approved, modified, or terminated under this 19371  
section shall be issued by the court to the petitioner, to the 19372  
respondent, and to all law enforcement agencies that have 19373  
jurisdiction to enforce the order or agreement. The protection 19374  
order or consent agreement shall be transmitted by the clerk of 19375  
the court to the appropriate law enforcement agency for entry into 19376  
the protection order database of the national crime information 19377

center (NCIC) maintained by the federal bureau of investigation. 19378  
The court shall direct that a copy of an order be delivered to the 19379  
respondent on the same day that the order is entered. If the court 19380  
terminates or cancels the order or agreement, the clerk of the 19381  
court shall cause the delivery of notice of the termination or 19382  
cancellation to the same persons and entities that were issued or 19383  
delivered a copy of the order or agreement and the court shall 19384  
issue the removal order described in this division to the 19385  
appropriate law enforcement agency. 19386

The court shall file with the clerk of the court each 19387  
protection order issued and each consent agreement approved 19388  
pursuant to this section and the clerk shall transmit the order to 19389  
the appropriate law enforcement agency to be entered into the law 19390  
enforcement automated data system created by section 5503.10 of 19391  
the Revised Code, and known as LEADS, by the close of the next 19392  
business day after the day on which the court issues the order or 19393  
approves the agreement. Upon the termination or cancellation of 19394  
the order or agreement, the court shall order the appropriate law 19395  
enforcement agency to remove the order or agreement from the LEADS 19396  
database by the close of the next business day after the day on 19397  
which the termination or cancellation of the order or agreement 19398  
occurred and shall ensure that the order or agreement is 19399  
terminated, cleared, or canceled in the protection order database 19400  
of the national crime information center (NCIC) maintained by the 19401  
federal bureau of investigation. 19402

(2) Upon the issuance of a protection order or the approval 19403  
of a consent agreement under this section, the court shall provide 19404  
the parties to the order or agreement with the following notice 19405  
orally or by form: 19406

"NOTICE 19407

As a result of this order or consent agreement, it may be 19408  
unlawful for you to possess or purchase a firearm, including a 19409

rifle, pistol, or revolver, or ammunition pursuant to federal law 19410  
under 18 U.S.C. 922(g)(8) for the duration of this order or 19411  
consent agreement. If you have any questions whether this law 19412  
makes it illegal for you to possess or purchase a firearm or 19413  
ammunition, you should consult an attorney." 19414

(3) All law enforcement agencies shall establish and maintain 19415  
an index for the protection orders and the approved consent 19416  
agreements delivered to the agencies pursuant to division (F)(1) 19417  
of this section. With respect to each order and consent agreement 19418  
delivered, each agency shall note on the index the date and time 19419  
that it received the order or consent agreement. 19420

(4) Regardless of whether the petitioner has registered the 19421  
order or agreement in the county in which the officer's agency has 19422  
jurisdiction pursuant to division (N) of this section, any officer 19423  
of a law enforcement agency shall enforce a protection order 19424  
issued or consent agreement approved by any court in this state in 19425  
accordance with the provisions of the order or agreement, 19426  
including removing the respondent from the premises, if 19427  
appropriate. 19428

(G)(1) Any proceeding under this section shall be conducted 19429  
in accordance with the Rules of Civil Procedure, except that an 19430  
order under this section may be obtained with or without bond. An 19431  
order issued under this section, other than an ex parte order, 19432  
that grants a protection order or approves a consent agreement, 19433  
that refuses to grant a protection order or approve a consent 19434  
agreement that modifies or terminates a protection order or 19435  
consent agreement, or that refuses to modify or terminate a 19436  
protection order or consent agreement, is a final, appealable 19437  
order. The remedies and procedures provided in this section are in 19438  
addition to, and not in lieu of, any other available civil or 19439  
criminal remedies. 19440

(2) If as provided in division (G)(1) of this section an 19441

order issued under this section, other than an ex parte order, 19442  
refuses to grant a protection order, the court, on its own motion, 19443  
shall order that the ex parte order issued under this section and 19444  
all of the records pertaining to that ex parte order be sealed 19445  
after either of the following occurs: 19446

(a) No party has exercised the right to appeal pursuant to 19447  
Rule 4 of the Rules of Appellate Procedure. 19448

(b) All appellate rights have been exhausted. 19449

(H) The filing of proceedings under this section does not 19450  
excuse a person from filing any report or giving any notice 19451  
required by section 2151.421 of the Revised Code or by any other 19452  
law. When a petition under this section alleges domestic violence 19453  
against minor children, the court shall report the fact, or cause 19454  
reports to be made, to a county, township, or municipal peace 19455  
officer under section 2151.421 of the Revised Code. 19456

(I) Any law enforcement agency that investigates a domestic 19457  
dispute shall provide information to the family or household 19458  
members involved, or the persons in the dating relationship who 19459  
are involved, whichever is applicable regarding the relief 19460  
available under this section and, for family or household members, 19461  
section 2919.26 of the Revised Code. 19462

(J)(1) Subject to divisions (E)(8)(e) and (J)(2) of this 19463  
section and regardless of whether a protection order is issued or 19464  
a consent agreement is approved by a court of another county or a 19465  
court of another state, no court or unit of state or local 19466  
government shall charge the petitioner any fee, cost, deposit, or 19467  
money in connection with the filing of a petition pursuant to this 19468  
section or in connection with the filing, issuance, registration, 19469  
modification, enforcement, dismissal, withdrawal, or service of a 19470  
protection order, consent agreement, or witness subpoena or for 19471  
obtaining a certified copy of a protection order or consent 19472

agreement. 19473

(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, the court may assess costs against the respondent in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement. 19474  
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(K)(1) The court shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code when it makes or modifies an order for child support under this section. 19481  
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(2) If any person required to pay child support under an order made under this section on or after April 15, 1985, or modified under this section on or after December 31, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt. 19484  
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(L)(1) A person who violates a protection order issued or a consent agreement approved under this section is subject to the following sanctions: 19494  
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(a) Criminal prosecution or a delinquent child proceeding for a violation of section 2919.27 of the Revised Code, if the violation of the protection order or consent agreement constitutes a violation of that section; 19497  
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(b) Punishment for contempt of court. 19501

(2) The punishment of a person for contempt of court for violation of a protection order issued or a consent agreement 19502  
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approved under this section does not bar criminal prosecution of 19504  
the person or a delinquent child proceeding concerning the person 19505  
for a violation of section 2919.27 of the Revised Code. However, a 19506  
person punished for contempt of court is entitled to credit for 19507  
the punishment imposed upon conviction of or adjudication as a 19508  
delinquent child for a violation of that section, and a person 19509  
convicted of or adjudicated a delinquent child for a violation of 19510  
that section shall not subsequently be punished for contempt of 19511  
court arising out of the same activity. 19512

(M) In all stages of a proceeding under this section, a 19513  
petitioner may be accompanied by a victim advocate. 19514

(N)(1) A petitioner who obtains a protection order or consent 19515  
agreement under this section or a temporary protection order under 19516  
section 2919.26 of the Revised Code may provide notice of the 19517  
issuance or approval of the order or agreement to the judicial and 19518  
law enforcement officials in any county other than the county in 19519  
which the order is issued or the agreement is approved by 19520  
registering that order or agreement in the other county pursuant 19521  
to division (N)(2) of this section and filing a copy of the 19522  
registered order or registered agreement with a law enforcement 19523  
agency in the other county in accordance with that division. A 19524  
person who obtains a protection order issued by a court of another 19525  
state may provide notice of the issuance of the order to the 19526  
judicial and law enforcement officials in any county of this state 19527  
by registering the order in that county pursuant to section 19528  
2919.272 of the Revised Code and filing a copy of the registered 19529  
order with a law enforcement agency in that county. 19530

(2) A petitioner may register a temporary protection order, 19531  
protection order, or consent agreement in a county other than the 19532  
county in which the court that issued the order or approved the 19533  
agreement is located in the following manner: 19534

(a) The petitioner shall obtain a certified copy of the order 19535

or agreement from the clerk of the court that issued the order or 19536  
approved the agreement and present that certified copy to the 19537  
clerk of the court of common pleas or the clerk of a municipal 19538  
court or county court in the county in which the order or 19539  
agreement is to be registered. 19540

(b) Upon accepting the certified copy of the order or 19541  
agreement for registration, the clerk of the court of common 19542  
pleas, municipal court, or county court shall place an endorsement 19543  
of registration on the order or agreement and give the petitioner 19544  
a copy of the order or agreement that bears that proof of 19545  
registration. 19546

(3) The clerk of each court of common pleas, the clerk of 19547  
each municipal court, and the clerk of each county court shall 19548  
maintain a registry of certified copies of temporary protection 19549  
orders, protection orders, or consent agreements that have been 19550  
issued or approved by courts in other counties and that have been 19551  
registered with the clerk. 19552

(O) Nothing in this section prohibits the domestic relations 19553  
division of a court of common pleas in counties that have a 19554  
domestic relations division or a court of common pleas in counties 19555  
that do not have a domestic relations division from designating a 19556  
minor child as a protected party on a protection order or consent 19557  
agreement. 19558

**Sec. 3119.01.** (A) As used in the Revised Code, "child support 19559  
enforcement agency" means a child support enforcement agency 19560  
designated under former section 2301.35 of the Revised Code prior 19561  
to October 1, 1997, or a private or government entity designated 19562  
as a child support enforcement agency under section 307.981 of the 19563  
Revised Code. 19564

(B) As used in this chapter and Chapters 3121., 3123., and 19565  
3125. of the Revised Code: 19566

(1) "Administrative child support order" means any order 19567  
issued by a child support enforcement agency for the support of a 19568  
child pursuant to section 3109.19 or 3111.81 of the Revised Code 19569  
or former section 3111.211 of the Revised Code, section 3111.21 of 19570  
the Revised Code as that section existed prior to January 1, 1998, 19571  
or section 3111.20 or 3111.22 of the Revised Code as those 19572  
sections existed prior to March 22, 2001. 19573

(2) "Child support order" means either a court child support 19574  
order or an administrative child support order. 19575

(3) "Obligee" means the person who is entitled to receive the 19576  
support payments under a support order. 19577

(4) "Obligor" means the person who is required to pay support 19578  
under a support order. 19579

(5) "Support order" means either an administrative child 19580  
support order or a court support order. 19581

(C) As used in this chapter: 19582

(1) "Cash medical support" means an amount ordered to be paid 19583  
in a child support order toward the ordinary medical expenses 19584  
incurred during a calendar year. 19585

(2) "Child care cost" means annual out-of-pocket costs for 19586  
the care and supervision of a child or children subject to the 19587  
order that is related to work or employment training. 19588

(3) "Court child support order" means any order issued by a 19589  
court for the support of a child pursuant to Chapter 3115. of the 19590  
Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 19591  
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 19592  
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised 19593  
Code, or division (B) of former section 3113.21 of the Revised 19594  
Code. 19595

(4) "Court-ordered parenting time" means the amount of 19596

parenting time a parent is to have under a parenting time order or 19597  
the amount of time the children are to be in the physical custody 19598  
of a parent under a shared parenting order. 19599

(5) "Court support order" means either a court child support 19600  
order or an order for the support of a spouse or former spouse 19601  
issued pursuant to Chapter 3115. of the Revised Code, section 19602  
3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) 19603  
of former section 3113.21 of the Revised Code. 19604

(6) "CPI-U" means the consumer price index for all urban 19605  
consumers, published by the United States department of labor, 19606  
bureau of labor statistics. 19607

(7) "Extraordinary medical expenses" means any uninsured 19608  
medical expenses incurred for a child during a calendar year that 19609  
exceed the total cash medical support amount owed by the parents 19610  
during that year. 19611

(8) "Federal poverty level" has the same meaning as in 19612  
section 5121.30 of the Revised Code. 19613

(9) "Income" means either of the following: 19614

(a) For a parent who is employed to full capacity, the gross 19615  
income of the parent; 19616

(b) For a parent who is unemployed or underemployed, the sum 19617  
of the gross income of the parent and any potential income of the 19618  
parent. 19619

(10) "Income share" means the percentage derived from a 19620  
comparison of each parent's annual income after allowable 19621  
deductions and credits as indicated on the worksheet to the total 19622  
annual income of both parents. 19623

(11) "Insurer" means any person authorized under Title XXXIX 19624  
of the Revised Code to engage in the business of insurance in this 19625  
state, any health insuring corporation, and any legal entity that 19626

is self-insured and provides benefits to its employees or members. 19627

(12) "Gross income" means, except as excluded in division 19628  
(C)(12) of this section, the total of all earned and unearned 19629  
income from all sources during a calendar year, whether or not the 19630  
income is taxable, and includes income from salaries, wages, 19631  
overtime pay, and bonuses to the extent described in division (D) 19632  
of section 3119.05 of the Revised Code; commissions; royalties; 19633  
tips; rents; dividends; severance pay; pensions; interest; trust 19634  
income; annuities; social security benefits, including retirement, 19635  
disability, and survivor benefits that are not means-tested; 19636  
workers' compensation benefits; unemployment insurance benefits; 19637  
disability insurance benefits; benefits that are not means-tested 19638  
and that are received by and in the possession of the veteran who 19639  
is the beneficiary for any service-connected disability under a 19640  
program or law administered by the United States department of 19641  
veterans' affairs or veterans' administration; spousal support 19642  
actually received; and all other sources of income. "Gross income" 19643  
includes income of members of any branch of the United States 19644  
armed services or national guard, including, amounts representing 19645  
base pay, basic allowance for quarters, basic allowance for 19646  
subsistence, supplemental subsistence allowance, cost of living 19647  
adjustment, specialty pay, variable housing allowance, and pay for 19648  
training or other types of required drills; self-generated income; 19649  
and potential cash flow from any source. 19650

"Gross income" does not include any of the following: 19651

(a) Benefits received from means-tested government 19652  
administered programs, including Ohio works first; prevention, 19653  
retention, and contingency; means-tested veterans' benefits; 19654  
supplemental security income; supplemental nutrition assistance 19655  
program; disability financial assistance; or other assistance for 19656  
which eligibility is determined on the basis of income or assets; 19657

(b) Benefits for any service-connected disability under a 19658

program or law administered by the United States department of 19659  
veterans' affairs or veterans' administration that are not 19660  
means-tested, that have not been distributed to the veteran who is 19661  
the beneficiary of the benefits, and that are in the possession of 19662  
the United States department of veterans' affairs or veterans' 19663  
administration; 19664

(c) Child support amounts received for children who are not 19665  
included in the current calculation; 19666

(d) Amounts paid for mandatory deductions from wages such as 19667  
union dues but not taxes, social security, or retirement in lieu 19668  
of social security; 19669

(e) Nonrecurring or unsustainable income or cash flow items; 19670

(f) Adoption assistance, kinship guardianship assistance, and 19671  
foster care maintenance payments made pursuant to Title IV-E of 19672  
the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), 19673  
as amended; 19674

(g) State kinship guardianship assistance described in 19675  
section 5153.163 of the Revised Code. 19676

(13) "Nonrecurring or unsustainable income or cash flow item" 19677  
means an income or cash flow item the parent receives in any year 19678  
or for any number of years not to exceed three years that the 19679  
parent does not expect to continue to receive on a regular basis. 19680  
"Nonrecurring or unsustainable income or cash flow item" does not 19681  
include a lottery prize award that is not paid in a lump sum or 19682  
any other item of income or cash flow that the parent receives or 19683  
expects to receive for each year for a period of more than three 19684  
years or that the parent receives and invests or otherwise uses to 19685  
produce income or cash flow for a period of more than three years. 19686

(14) "Ordinary medical expenses" includes copayments and 19687  
deductibles, and uninsured medical-related costs for the children 19688  
of the order. 19689

(15)(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.

(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)(15)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.

(16) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation.

(17) "Potential income" means both of the following for a parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed:

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:

(i) The parent's prior employment experience;

(ii) The parent's education;

(iii) The parent's physical and mental disabilities, if any;

(iv) The availability of employment in the geographic area in which the parent resides;

(v) The prevailing wage and salary levels in the geographic area in which the parent resides;

(vi) The parent's special skills and training;	19720
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	19721 19722
(viii) The age and special needs of the child for whom child support is being calculated under this section;	19723 19724
(ix) The parent's increased earning capacity because of experience;	19725 19726
(x) The parent's decreased earning capacity because of a felony conviction;	19727 19728
(xi) Any other relevant factor.	19729
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	19730 19731 19732 19733 19734
(18) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.	19735 19736
(19) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.	19737 19738 19739 19740 19741 19742 19743 19744 19745 19746
(20) "Self-sufficiency reserve" means the minimal amount necessary for an obligor to adequately subsist upon, as determined under section 3119.021 of the Revised Code.	19747 19748 19749

(21) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least one of those children.

(22) "Worksheet" means the applicable worksheet created in rules adopted under section 3119.022 of the Revised Code that is used to calculate a parent's child support obligation.

**Sec. 3125.18.** A child support enforcement agency shall administer a Title IV-A program identified under division (A)(4)(c) or ~~(g)~~(h) of section 5101.80 of the Revised Code that the department of job and family services provides for the agency to administer under the department's supervision pursuant to section 5101.801 of the Revised Code.

**Sec. 3301.079.** (A)(1) The state board of education periodically shall adopt statewide academic standards with emphasis on coherence, focus, and essential knowledge and that are more challenging and demanding when compared to international standards for each of grades kindergarten through twelve in English language arts, mathematics, science, and social studies.

(a) The state board shall ensure that the standards do all of the following:

(i) Include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century;

(ii) Include the development of skill sets that promote information, media, and technological literacy;

(iii) Include interdisciplinary, project-based, real-world

learning opportunities; 19780

(iv) Instill life-long learning by providing essential 19781  
knowledge and skills based in the liberal arts tradition, as well 19782  
as science, technology, engineering, mathematics, and 19783  
career-technical education; 19784

(v) Be clearly written, transparent, and understandable by 19785  
parents, educators, and the general public. 19786

(b) Not later than July 1, 2012, the state board shall 19787  
incorporate into the social studies standards for grades four to 19788  
twelve academic content regarding the original texts of the 19789  
Declaration of Independence, the Northwest Ordinance, the 19790  
Constitution of the United States and its amendments, with 19791  
emphasis on the Bill of Rights, and the Ohio Constitution, and 19792  
their original context. The state board shall revise the model 19793  
curricula and achievement assessments adopted under divisions (B) 19794  
and (C) of this section as necessary to reflect the additional 19795  
American history and American government content. The state board 19796  
shall make available a list of suggested grade-appropriate 19797  
supplemental readings that place the documents prescribed by this 19798  
division in their historical context, which teachers may use as a 19799  
resource to assist students in reading the documents within that 19800  
context. 19801

(c) When the state board adopts or revises academic content 19802  
standards in social studies, American history, American 19803  
government, or science under division (A)(1) of this section, the 19804  
state board shall develop such standards independently and not as 19805  
part of a multistate consortium. 19806

(2) After completing the standards required by division 19807  
(A)(1) of this section, the state board shall adopt standards and 19808  
model curricula for instruction in technology, financial literacy 19809  
and entrepreneurship, fine arts, and foreign language for grades 19810

kindergarten through twelve. The standards shall meet the same 19811  
requirements prescribed in division (A)(1)(a) of this section. 19812

(3) The state board shall adopt the most recent standards 19813  
developed by the national association for sport and physical 19814  
education for physical education in grades kindergarten through 19815  
twelve or shall adopt its own standards for physical education in 19816  
those grades and revise and update them periodically. 19817

The department of education shall employ a full-time physical 19818  
education coordinator to provide guidance and technical assistance 19819  
to districts, community schools, and STEM schools in implementing 19820  
the physical education standards adopted under this division. The 19821  
superintendent of public instruction shall determine that the 19822  
person employed as coordinator is qualified for the position, as 19823  
demonstrated by possessing an adequate combination of education, 19824  
license, and experience. 19825

(4) Not later than ~~December 31, 2018~~ one year after the 19826  
effective date of this amendment, the state board shall ~~adopt~~ 19827  
update the standards and a model curriculum for instruction in 19828  
computer science in grades kindergarten through twelve, which 19829  
shall include standards for introductory and advanced computer 19830  
science courses in grades nine through twelve. When developing the 19831  
standards and curriculum, the state board shall consider 19832  
recommendations from computer science education stakeholder 19833  
groups, including teachers and representatives from higher 19834  
education, industry, computer science organizations in Ohio, and 19835  
national computer science organizations. 19836

Any district or school may utilize the computer science 19837  
standards or model curriculum or any part thereof adopted pursuant 19838  
to division (A)(4) of this section. However, no district or school 19839  
shall be required to utilize all or any part of the standards or 19840  
curriculum. 19841

(5) When academic standards have been completed for any 19842  
subject area required by this section, the state board shall 19843  
inform all school districts, all community schools established 19844  
under Chapter 3314. of the Revised Code, all STEM schools 19845  
established under Chapter 3326. of the Revised Code, and all 19846  
nonpublic schools required to administer the assessments 19847  
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 19848  
of the content of those standards. Additionally, upon completion 19849  
of any academic standards under this section, the department shall 19850  
post those standards on the department's web site. 19851

(B)(1) The state board shall adopt a model curriculum for 19852  
instruction in each subject area for which updated academic 19853  
standards are required by division (A)(1) of this section and for 19854  
each of grades kindergarten through twelve that is sufficient to 19855  
meet the needs of students in every community. The model 19856  
curriculum shall be aligned with the standards, to ensure that the 19857  
academic content and skills specified for each grade level are 19858  
taught to students, and shall demonstrate vertical articulation 19859  
and emphasize coherence, focus, and rigor. When any model 19860  
curriculum has been completed, the state board shall inform all 19861  
school districts, community schools, and STEM schools of the 19862  
content of that model curriculum. 19863

(2) Not later than June 30, 2013, the state board, in 19864  
consultation with any office housed in the governor's office that 19865  
deals with workforce development, shall adopt model curricula for 19866  
grades kindergarten through twelve that embed career connection 19867  
learning strategies into regular classroom instruction. 19868

(3) All school districts, community schools, and STEM schools 19869  
may utilize the state standards and the model curriculum 19870  
established by the state board, together with other relevant 19871  
resources, examples, or models to ensure that students have the 19872  
opportunity to attain the academic standards. Upon request, the 19873

department shall provide technical assistance to any district, 19874  
community school, or STEM school in implementing the model 19875  
curriculum. 19876

Nothing in this section requires any school district to 19877  
utilize all or any part of a model curriculum developed under this 19878  
section. 19879

(C) The state board shall develop achievement assessments 19880  
aligned with the academic standards and model curriculum for each 19881  
of the subject areas and grade levels required by divisions (A)(1) 19882  
and (B)(1) of section 3301.0710 of the Revised Code. 19883

When any achievement assessment has been completed, the state 19884  
board shall inform all school districts, community schools, STEM 19885  
schools, and nonpublic schools required to administer the 19886  
assessment of its completion, and the department shall make the 19887  
achievement assessment available to the districts and schools. 19888

~~(D)(1)~~ (D)(1)(a) The state board shall adopt a diagnostic 19889  
assessment aligned with the academic standards and model 19890  
curriculum for each of grades kindergarten through two in reading, 19891  
writing, and mathematics and for grade three in reading and 19892  
writing. The diagnostic assessment shall be designed to measure 19893  
student comprehension of academic content and mastery of related 19894  
skills for the relevant subject area and grade level. ~~Any~~ 19895

(b) Except for the kindergarten readiness assessment 19896  
described in section 3301.0715 of the Revised Code, the state 19897  
board shall not adopt any diagnostic assessment for grades 19898  
kindergarten through three in reading that does not include a 19899  
sufficient number of items related to phonological awareness, 19900  
phonemic awareness, rapid naming skills, nonsense word fluency, 19901  
and correspondence between sounds and letters to identify students 19902  
who may need further measures to determine if the students have 19903  
dyslexia, as defined in section 3319.80 of the Revised Code. 19904

(c) For each assessment adopted under this section, the department of education shall require that the test vendor share information with the school regarding student performance on identification items related to dyslexia described under division (D)(1)(b) of this section. The department also shall require the vendor to provide a summary of such information to the department, in the manner prescribed by the department.

(d) Any diagnostic assessment shall not include components to identify gifted students. Blank copies of diagnostic assessments shall be public records.

(e) Any diagnostic assessment adopted by the state board under division (D) of this section, other than the kindergarten readiness assessment, may be used to meet the requirement to administer a tier one dyslexia screening to students under section 3323.251 of the Revised Code.

(2) When each diagnostic assessment has been completed, the state board shall inform all school districts of its completion and the department shall make the diagnostic assessment available to the districts at no cost to the district.

(3) School districts shall administer the diagnostic assessment pursuant to section 3301.0715 of the Revised Code beginning the first school year following the development of the assessment.

However, beginning with the 2017-2018 school year, both of the following shall apply:

(a) In the case of the diagnostic assessments for grades one or two in writing or mathematics or for grade three in writing, a school district shall not be required to administer any such assessment, but may do so at the discretion of the district board;

(b) In the case of any diagnostic assessment that is not for the grade levels and subject areas specified in division (D)(3)(a)

of this section, each school district shall administer the 19936  
assessment in the manner prescribed by section 3301.0715 of the 19937  
Revised Code. 19938

(E) The state board shall not adopt a diagnostic or 19939  
achievement assessment for any grade level or subject area other 19940  
than those specified in this section. 19941

(F) Whenever the state board or the department consults with 19942  
persons for the purpose of drafting or reviewing any standards, 19943  
diagnostic assessments, achievement assessments, or model 19944  
curriculum required under this section, the state board or the 19945  
department shall first consult with parents of students in 19946  
kindergarten through twelfth grade and with active Ohio classroom 19947  
teachers, other school personnel, and administrators with 19948  
expertise in the appropriate subject area. Whenever practicable, 19949  
the state board and department shall consult with teachers 19950  
recognized as outstanding in their fields. 19951

If the department contracts with more than one outside entity 19952  
for the development of the achievement assessments required by 19953  
this section, the department shall ensure the interchangeability 19954  
of those assessments. 19955

(G) Whenever the state board adopts standards or model 19956  
curricula under this section, the department also shall provide 19957  
information on the use of blended or digital learning in the 19958  
delivery of the standards or curricula to students in accordance 19959  
with division (A)(5) of this section. 19960

(H) The fairness sensitivity review committee, established by 19961  
rule of the state board of education, shall not allow any question 19962  
on any achievement or diagnostic assessment developed under this 19963  
section or any proficiency test prescribed by former section 19964  
3301.0710 of the Revised Code, as it existed prior to September 19965  
11, 2001, to include, be written to promote, or inquire as to 19966

individual moral or social values or beliefs. The decision of the 19967  
committee shall be final. This section does not create a private 19968  
cause of action. 19969

(I) Not later than sixty days prior to the adoption by the 19970  
state board of updated academic standards under division (A)(1) of 19971  
this section or updated model curricula under division (B)(1) of 19972  
this section, the superintendent of public instruction shall 19973  
present the academic standards or model curricula, as applicable, 19974  
in person at a public hearing of the respective committees of the 19975  
house of representatives and senate that consider education 19976  
legislation. 19977

(J) As used in this section: 19978

(1) "Blended learning" means the delivery of instruction in a 19979  
combination of time in a supervised physical location away from 19980  
home and online delivery whereby the student has some element of 19981  
control over time, place, path, or pace of learning. 19982

(2) "Coherence" means a reflection of the structure of the 19983  
discipline being taught. 19984

(3) "Digital learning" means learning facilitated by 19985  
technology that gives students some element of control over time, 19986  
place, path, or pace of learning. 19987

(4) "Focus" means limiting the number of items included in a 19988  
curriculum to allow for deeper exploration of the subject matter. 19989

(5) "Vertical articulation" means key academic concepts and 19990  
skills associated with mastery in particular content areas should 19991  
be articulated and reinforced in a developmentally appropriate 19992  
manner at each grade level so that over time students acquire a 19993  
depth of knowledge and understanding in the core academic 19994  
disciplines. 19995

**Sec. 3301.0714.** (A) The state board of education shall adopt 19996

rules for a statewide education management information system. The 19997  
rules shall require the state board to establish guidelines for 19998  
the establishment and maintenance of the system in accordance with 19999  
this section and the rules adopted under this section. The 20000  
guidelines shall include: 20001

(1) Standards identifying and defining the types of data in 20002  
the system in accordance with divisions (B) and (C) of this 20003  
section; 20004

(2) Procedures for annually collecting and reporting the data 20005  
to the state board in accordance with division (D) of this 20006  
section; 20007

(3) Procedures for annually compiling the data in accordance 20008  
with division (G) of this section; 20009

(4) Procedures for annually reporting the data to the public 20010  
in accordance with division (H) of this section; 20011

(5) Standards to provide strict safeguards to protect the 20012  
confidentiality of personally identifiable student data. 20013

(B) The guidelines adopted under this section shall require 20014  
the data maintained in the education management information system 20015  
to include at least the following: 20016

(1) Student participation and performance data, for each 20017  
grade in each school district as a whole and for each grade in 20018  
each school building in each school district, that includes: 20019

(a) The numbers of students receiving each category of 20020  
instructional service offered by the school district, such as 20021  
regular education instruction, vocational education instruction, 20022  
specialized instruction programs or enrichment instruction that is 20023  
part of the educational curriculum, instruction for gifted 20024  
students, instruction for students with disabilities, and remedial 20025  
instruction. The guidelines shall require instructional services 20026

under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C)(4)(a) of this section.

(c) Average student grades in each subject in grades nine through twelve;

(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;

(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;

(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;

(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as

present for any field trip that is approved by the school administration.	20058 20059
(h) Expulsion rates;	20060
(i) Suspension rates;	20061
(j) Dropout rates;	20062
(k) Rates of retention in grade;	20063
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	20064 20065 20066
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	20067 20068 20069 20070 20071
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	20072 20073 20074 20075 20076 20077 20078 20079 20080
(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B)(4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as	20081 20082 20083 20084 20085 20086 20087

student, teacher, or nonteaching employee, but shall not be identified by name. 20088  
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Division (B)(1)(o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general assembly. 20090  
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(p) The number of students earning each state diploma seal included in the system prescribed under division (A) of section 3313.6114 of the Revised Code; 20094  
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(q) The number of students demonstrating competency for graduation using each option described in divisions (B)(1)(a) to ~~(e)~~(d) of section 3313.618 of the Revised Code; 20097  
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(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B)(1)(b) of section 3313.618 of the Revised Code. 20100  
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(2) Personnel and classroom enrollment data for each school district, including: 20104  
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(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building. 20106  
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(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the 20116  
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total numbers of licensed employees and nonlicensed employees and 20119  
the numbers of full-time equivalent licensed employees and 20120  
nonlicensed employees providing each category used pursuant to 20121  
division (C)(4)(c) of this section. The guidelines adopted under 20122  
this section shall require these categories of data to be 20123  
maintained for the school district as a whole and, wherever 20124  
applicable, for each grade in the school district as a whole, for 20125  
each school building as a whole, and for each grade in each school 20126  
building. 20127

(c) The total number of regular classroom teachers teaching 20128  
classes of regular education and the average number of pupils 20129  
enrolled in each such class, in each of grades kindergarten 20130  
through five in the district as a whole and in each school 20131  
building in the school district. 20132

(d) The number of lead teachers employed by each school 20133  
district and each school building. 20134

(3)(a) Student demographic data for each school district, 20135  
including information regarding the gender ratio of the school 20136  
district's pupils, the racial make-up of the school district's 20137  
pupils, the number of English learners in the district, and an 20138  
appropriate measure of the number of the school district's pupils 20139  
who reside in economically disadvantaged households. The 20140  
demographic data shall be collected in a manner to allow 20141  
correlation with data collected under division (B)(1) of this 20142  
section. Categories for data collected pursuant to division (B)(3) 20143  
of this section shall conform, where appropriate, to standard 20144  
practices of agencies of the federal government. 20145

(b) With respect to each student entering kindergarten, 20146  
whether the student previously participated in a public preschool 20147  
program, a private preschool program, or a head start program, and 20148  
the number of years the student participated in each of these 20149  
programs. 20150

(4) Any data required to be collected pursuant to federal law. 20151  
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(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following: 20153  
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(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code. 20162  
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(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building. 20168  
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(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for 20174  
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each category of service and, as a breakdown of the total cost, a 20183  
cost for each of the following components: 20184

(a) The cost of each instructional services category required 20185  
by guidelines adopted under division (B)(1)(a) of this section 20186  
that is provided directly to students by a classroom teacher; 20187

(b) The cost of the instructional support services, such as 20188  
services provided by a speech-language pathologist, classroom 20189  
aide, multimedia aide, or librarian, provided directly to students 20190  
in conjunction with each instructional services category; 20191

(c) The cost of the administrative support services related 20192  
to each instructional services category, such as the cost of 20193  
personnel that develop the curriculum for the instructional 20194  
services category and the cost of personnel supervising or 20195  
coordinating the delivery of the instructional services category. 20196

(4) Support or extracurricular services costs for each 20197  
category of service directly provided to students and required by 20198  
guidelines adopted pursuant to division (B)(1)(b) of this section. 20199  
The guidelines shall require the cost units under division (C)(4) 20200  
of this section to be designed so that each of them may be 20201  
compiled and reported in terms of average expenditure per pupil 20202  
receiving the service in the school district as a whole and 20203  
average expenditure per pupil receiving the service in each 20204  
building in the school district and in terms of a total cost for 20205  
each category of service and, as a breakdown of the total cost, a 20206  
cost for each of the following components: 20207

(a) The cost of each support or extracurricular services 20208  
category required by guidelines adopted under division (B)(1)(b) 20209  
of this section that is provided directly to students by a 20210  
licensed employee, such as services provided by a guidance 20211  
counselor or any services provided by a licensed employee under a 20212  
supplemental contract; 20213

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring or the development of state assessments. The guidelines may require school districts to provide the social

security numbers of individual staff members and the county of 20246  
residence for a student. Nothing in this section prohibits the 20247  
state board of education or department of education from providing 20248  
a student's county of residence to the department of taxation to 20249  
facilitate the distribution of tax revenue. 20250

(2)(a) The guidelines shall provide for each school district 20251  
or community school to assign a data verification code that is 20252  
unique on a statewide basis over time to each student whose 20253  
initial Ohio enrollment is in that district or school and to 20254  
report all required individual student data for that student 20255  
utilizing such code. The guidelines shall also provide for 20256  
assigning data verification codes to all students enrolled in 20257  
districts or community schools on the effective date of the 20258  
guidelines established under this section. The assignment of data 20259  
verification codes for other entities, as described in division 20260  
(D)(2)(d) of this section, the use of those codes, and the 20261  
reporting and use of associated individual student data shall be 20262  
coordinated by the department in accordance with state and federal 20263  
law. 20264

School districts shall report individual student data to the 20265  
department through the information technology centers utilizing 20266  
the code. The entities described in division (D)(2)(d) of this 20267  
section shall report individual student data to the department in 20268  
the manner prescribed by the department. 20269

(b)(i) Except as provided in sections 3301.941, 3310.11, 20270  
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 20271  
in division (D)(2)(b)(ii) of this section, at no time shall the 20272  
state board or the department have access to information that 20273  
would enable any data verification code to be matched to 20274  
personally identifiable student data. 20275

(ii) For the purpose of making per-pupil payments to 20276  
community schools under division (C) of section 3314.08 of the 20277

Revised Code, the department shall have access to information that 20278  
would enable any data verification code to be matched to 20279  
personally identifiable student data. 20280

(c) Each school district and community school shall ensure 20281  
that the data verification code is included in the student's 20282  
records reported to any subsequent school district, community 20283  
school, or state institution of higher education, as defined in 20284  
section 3345.011 of the Revised Code, in which the student 20285  
enrolls. Any such subsequent district or school shall utilize the 20286  
same identifier in its reporting of data under this section. 20287

(d) The director of any state agency that administers a 20288  
publicly funded program providing services to children who are 20289  
younger than compulsory school age, as defined in section 3321.01 20290  
of the Revised Code, including the directors of health, job and 20291  
family services, mental health and addiction services, and 20292  
developmental disabilities, shall request and receive, pursuant to 20293  
sections 3301.0723 and 5123.0423 of the Revised Code, a data 20294  
verification code for a child who is receiving those services. 20295

(E) The guidelines adopted under this section may require 20296  
school districts to collect and report data, information, or 20297  
reports other than that described in divisions (A), (B), and (C) 20298  
of this section for the purpose of complying with other reporting 20299  
requirements established in the Revised Code. The other data, 20300  
information, or reports may be maintained in the education 20301  
management information system but are not required to be compiled 20302  
as part of the profile formats required under division (G) of this 20303  
section or the annual statewide report required under division (H) 20304  
of this section. 20305

(F) Beginning with the school year that begins July 1, 1991, 20306  
the board of education of each school district shall annually 20307  
collect and report to the state board, in accordance with the 20308  
guidelines established by the board, the data required pursuant to 20309

this section. A school district may collect and report these data 20310  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 20311

(G) The state board shall, in accordance with the procedures 20312  
it adopts, annually compile the data reported by each school 20313  
district pursuant to division (D) of this section. The state board 20314  
shall design formats for profiling each school district as a whole 20315  
and each school building within each district and shall compile 20316  
the data in accordance with these formats. These profile formats 20317  
shall: 20318

(1) Include all of the data gathered under this section in a 20319  
manner that facilitates comparison among school districts and 20320  
among school buildings within each school district; 20321

(2) Present the data on academic achievement levels as 20322  
assessed by the testing of student achievement maintained pursuant 20323  
to division (B)(1)(d) of this section. 20324

(H)(1) The state board shall, in accordance with the 20325  
procedures it adopts, annually prepare a statewide report for all 20326  
school districts and the general public that includes the profile 20327  
of each of the school districts developed pursuant to division (G) 20328  
of this section. Copies of the report shall be sent to each school 20329  
district. 20330

(2) The state board shall, in accordance with the procedures 20331  
it adopts, annually prepare an individual report for each school 20332  
district and the general public that includes the profiles of each 20333  
of the school buildings in that school district developed pursuant 20334  
to division (G) of this section. Copies of the report shall be 20335  
sent to the superintendent of the district and to each member of 20336  
the district board of education. 20337

(3) Copies of the reports received from the state board under 20338  
divisions (H)(1) and (2) of this section shall be made available 20339  
to the general public at each school district's offices. Each 20340

district board of education shall make copies of each report 20341  
available to any person upon request and payment of a reasonable 20342  
fee for the cost of reproducing the report. The board shall 20343  
annually publish in a newspaper of general circulation in the 20344  
school district, at least twice during the two weeks prior to the 20345  
week in which the reports will first be available, a notice 20346  
containing the address where the reports are available and the 20347  
date on which the reports will be available. 20348

(I) Any data that is collected or maintained pursuant to this 20349  
section and that identifies an individual pupil is not a public 20350  
record for the purposes of section 149.43 of the Revised Code. 20351

(J) As used in this section: 20352

(1) "School district" means any city, local, exempted 20353  
village, or joint vocational school district and, in accordance 20354  
with section 3314.17 of the Revised Code, any community school. As 20355  
used in division (L) of this section, "school district" also 20356  
includes any educational service center or other educational 20357  
entity required to submit data using the system established under 20358  
this section. 20359

(2) "Cost" means any expenditure for operating expenses made 20360  
by a school district excluding any expenditures for debt 20361  
retirement except for payments made to any commercial lending 20362  
institution for any loan approved pursuant to section 3313.483 of 20363  
the Revised Code. 20364

(K) Any person who removes data from the information system 20365  
established under this section for the purpose of releasing it to 20366  
any person not entitled under law to have access to such 20367  
information is subject to section 2913.42 of the Revised Code 20368  
prohibiting tampering with data. 20369

(L)(1) In accordance with division (L)(2) of this section and 20370  
the rules adopted under division (L)(10) of this section, the 20371

department of education may sanction any school district that 20372  
reports incomplete or inaccurate data, reports data that does not 20373  
conform to data requirements and descriptions published by the 20374  
department, fails to report data in a timely manner, or otherwise 20375  
does not make a good faith effort to report data as required by 20376  
this section. 20377

(2) If the department decides to sanction a school district 20378  
under this division, the department shall take the following 20379  
sequential actions: 20380

(a) Notify the district in writing that the department has 20381  
determined that data has not been reported as required under this 20382  
section and require the district to review its data submission and 20383  
submit corrected data by a deadline established by the department. 20384  
The department also may require the district to develop a 20385  
corrective action plan, which shall include provisions for the 20386  
district to provide mandatory staff training on data reporting 20387  
procedures. 20388

(b) Withhold up to ten per cent of the total amount of state 20389  
funds due to the district for the current fiscal year and, if not 20390  
previously required under division (L)(2)(a) of this section, 20391  
require the district to develop a corrective action plan in 20392  
accordance with that division; 20393

(c) Withhold an additional amount of up to twenty per cent of 20394  
the total amount of state funds due to the district for the 20395  
current fiscal year; 20396

(d) Direct department staff or an outside entity to 20397  
investigate the district's data reporting practices and make 20398  
recommendations for subsequent actions. The recommendations may 20399  
include one or more of the following actions: 20400

(i) Arrange for an audit of the district's data reporting 20401  
practices by department staff or an outside entity; 20402

(ii) Conduct a site visit and evaluation of the district;	20403
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	20404 20405 20406
(iv) Continue monitoring the district's data reporting;	20407
(v) Assign department staff to supervise the district's data management system;	20408 20409
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	20410 20411 20412
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	20413 20414 20415 20416
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	20417 20418 20419 20420 20421
(ix) Any other action designed to correct the district's data reporting problems.	20422 20423
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	20424 20425 20426 20427 20428 20429
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any	20430 20431 20432

further actions described by that division. If the department 20433  
withheld funds from the district under that division, the 20434  
department may release those funds to the district, except that if 20435  
the department withheld funding under division (L)(2)(c) of this 20436  
section, the department shall not release the funds withheld under 20437  
division (L)(2)(b) of this section and, if the department withheld 20438  
funding under division (L)(2)(d) of this section, the department 20439  
shall not release the funds withheld under division (L)(2)(b) or 20440  
(c) of this section. 20441

(5) Notwithstanding anything in this section to the contrary, 20442  
the department may use its own staff or an outside entity to 20443  
conduct an audit of a school district's data reporting practices 20444  
any time the department has reason to believe the district has not 20445  
made a good faith effort to report data as required by this 20446  
section. If any audit conducted by an outside entity under 20447  
division (L)(2)(d)(i) or (5) of this section confirms that a 20448  
district has not made a good faith effort to report data as 20449  
required by this section, the district shall reimburse the 20450  
department for the full cost of the audit. The department may 20451  
withhold state funds due to the district for this purpose. 20452

(6) Prior to issuing a revised report card for a school 20453  
district under division (L)(2)(d)(viii) of this section, the 20454  
department may hold a hearing to provide the district with an 20455  
opportunity to demonstrate that it made a good faith effort to 20456  
report data as required by this section. The hearing shall be 20457  
conducted by a referee appointed by the department. Based on the 20458  
information provided in the hearing, the referee shall recommend 20459  
whether the department should issue a revised report card for the 20460  
district. If the referee affirms the department's contention that 20461  
the district did not make a good faith effort to report data as 20462  
required by this section, the district shall bear the full cost of 20463  
conducting the hearing and of issuing any revised report card. 20464

(7) If the department determines that any inaccurate data reported under this section caused a school district to receive excess state funds in any fiscal year, the district shall reimburse the department an amount equal to the excess funds, in accordance with a payment schedule determined by the department. The department may withhold state funds due to the district for this purpose.

(8) Any school district that has funds withheld under division (L)(2) of this section may appeal the withholding in accordance with Chapter 119. of the Revised Code.

(9) In all cases of a disagreement between the department and a school district regarding the appropriateness of an action taken under division (L)(2) of this section, the burden of proof shall be on the district to demonstrate that it made a good faith effort to report data as required by this section.

(10) The state board of education shall adopt rules under Chapter 119. of the Revised Code to implement division (L) of this section.

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this

division is guilty of a misdemeanor of the fourth degree. 20496

(P) The department shall disaggregate the data collected 20497  
under division (B)(1)(n) of this section according to the race and 20498  
socioeconomic status of the students assessed. 20499

(Q) If the department cannot compile any of the information 20500  
required by division (H) of section 3302.03 of the Revised Code 20501  
based upon the data collected under this section, the department 20502  
shall develop a plan and a reasonable timeline for the collection 20503  
of any data necessary to comply with that division. 20504

**Sec. 3301.0715.** (A) Except as required under division (B)(1) 20505  
of section 3313.608 or as specified in division (D)(3) of section 20506  
3301.079 of the Revised Code, the board of education of each city, 20507  
local, and exempted village school district shall administer each 20508  
applicable diagnostic assessment developed and provided to the 20509  
district in accordance with section 3301.079 of the Revised Code 20510  
to the following: 20511

(1) Any student who transfers into the district or to a 20512  
different school within the district if each applicable diagnostic 20513  
assessment was not administered by the district or school the 20514  
student previously attended in the current school year, within 20515  
thirty days after the date of transfer. If the district or school 20516  
into which the student transfers cannot determine whether the 20517  
student has taken any applicable diagnostic assessment in the 20518  
current school year, the district or school may administer the 20519  
diagnostic assessment to the student. However, if a student 20520  
transfers into the district prior to the administration of the 20521  
diagnostic assessments to all students under division (B) of this 20522  
section, the district may administer the diagnostic assessments to 20523  
that student on the date or dates determined under that division. 20524

(2) Each kindergarten student, not earlier than the first day 20525  
of July of the school year and not later than the ~~first day of~~ 20526

~~November twentieth day of instruction of that school year.~~ 20527  
~~However, a board of education may administer the selected response~~ 20528  
~~and performance task items portion of the diagnostic assessment up~~ 20529  
~~to two weeks prior to the first day of the school year.~~ 20530

For the purpose of division (A)(2) of this section, the 20531  
district shall administer the kindergarten readiness assessment 20532  
provided by the department of education. In no case shall the 20533  
results of the readiness assessment be used to prohibit a student 20534  
from enrolling in kindergarten. 20535

(3) Each student enrolled in first, second, or third grade. 20536

Division (A) of this section does not apply to students with 20537  
significant cognitive disabilities, as defined by the department 20538  
of education. 20539

(B) Each district board shall administer each diagnostic 20540  
assessment when the board deems appropriate, provided the 20541  
administration complies with section 3313.608 of the Revised Code. 20542  
However, the board shall administer any diagnostic assessment at 20543  
least once annually to all students in the appropriate grade 20544  
level. A district board may administer any diagnostic assessment 20545  
in the fall and spring of a school year to measure the amount of 20546  
academic growth attributable to the instruction received by 20547  
students during that school year. 20548

(C) Any district that received a grade of "A" or "B" for the 20549  
performance index score under division (A)(1)(b), (B)(1)(b), or 20550  
(C)(1)(b) of section 3302.03 of the Revised Code or for the 20551  
value-added progress dimension under division (A)(1)(e), 20552  
(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for 20553  
the immediately preceding school year may use different diagnostic 20554  
assessments from those adopted under division (D) of section 20555  
3301.079 of the Revised Code in order to satisfy the requirements 20556  
of division (A)(3) of this section. 20557

(D) Each district board shall utilize and score any 20558  
diagnostic assessment administered under division (A) of this 20559  
section in accordance with rules established by the department. 20560  
After the administration of any diagnostic assessment, each 20561  
district shall provide a student's completed diagnostic 20562  
assessment, the results of such assessment, and any other 20563  
accompanying documents used during the administration of the 20564  
assessment to the parent of that student, and shall include all 20565  
such documents and information in any plan developed for the 20566  
student under division (C) of section 3313.608 of the Revised 20567  
Code. Each district shall submit to the department, in the manner 20568  
the department prescribes, the results of the diagnostic 20569  
assessments administered under this section, regardless of the 20570  
type of assessment used under section 3313.608 of the Revised 20571  
Code. The department may issue reports with respect to the data 20572  
collected. The department may report school and district level 20573  
kindergarten diagnostic assessment data and use diagnostic 20574  
assessment data to calculate the measure prescribed by divisions 20575  
(B)(1)(g) and (C)(1)(g) of section 3302.03 of the Revised Code. 20576

(E) Each district board shall provide intervention services 20577  
to students whose diagnostic assessments show that they are 20578  
failing to make satisfactory progress toward attaining the 20579  
academic standards for their grade level. 20580

(F) Beginning in the 2018-2019 school year, any chartered 20581  
nonpublic school may elect to administer the kindergarten 20582  
readiness assessment to all kindergarten students enrolled in the 20583  
school. If the school so elects, the chief administrator of the 20584  
school shall notify the superintendent of public instruction not 20585  
later than the thirty-first day of March prior to any school year 20586  
in which the school will administer the assessment. The department 20587  
shall furnish the assessment to the school at no cost to the 20588  
school. In administering the assessment, the school shall do all 20589

of the following: 20590

(1) Enter into a written agreement with the department 20591  
specifying that the school will share each participating student's 20592  
assessment data with the department and, that for the purpose of 20593  
reporting the data to the department, each participating student 20594  
will be assigned a data verification code as described in division 20595  
(D)(2) of section 3301.0714 of the Revised Code; 20596

(2) Require the assessment to be administered by a teacher 20597  
certified under section 3301.071 of the Revised Code who either 20598  
has completed training on administering the kindergarten readiness 20599  
assessment provided by the department or has been trained by 20600  
another person who has completed such training; 20601

(3) Administer the assessment in the same manner as school 20602  
districts are required to do under this section and the rules 20603  
established under division (D) of this section. 20604

(G) Beginning in the 2019-2020 school year, a school district 20605  
in which less than eighty per cent of its students score at the 20606  
proficient level or higher on the third-grade English language 20607  
arts assessment prescribed under section 3301.0710 of the Revised 20608  
Code shall establish a reading improvement plan supported by 20609  
reading specialists. Prior to implementation, the plan shall be 20610  
approved by the school district board of education. 20611

Sec. 3301.23. (A) Not later than thirty days after the 20612  
effective date of this section, the department of education, in 20613  
consultation with the chancellor of higher education, shall 20614  
establish a committee to develop a state plan for computer science 20615  
education for the purposes of primary and secondary education. 20616

(B) When developing the plan, the committee established under 20617  
this section shall consider the following: 20618

(1) Best practices and challenges associated with the 20619

<u>implementation of primary and secondary computer science</u>	20620
<u>curriculum in this state;</u>	20621
<u>(2) Demographic data for students who receive instruction in</u>	20622
<u>computer science;</u>	20623
<u>(3) Benchmarks to create a sustainable supply of teachers</u>	20624
<u>certified to provide instruction in computer science;</u>	20625
<u>(4) Best practices to form public and private partnerships</u>	20626
<u>for funding, mentoring, and internships for teachers providing</u>	20627
<u>instruction in computer science;</u>	20628
<u>(5) Requiring all students to complete a computer science</u>	20629
<u>course prior to high school graduation;</u>	20630
<u>(6) Establishing a work-based learning pilot program that</u>	20631
<u>includes high schools, universities, and local industry and</u>	20632
<u>permits the department and the chancellor to develop pathways to</u>	20633
<u>align computer science education in the state with the state's</u>	20634
<u>workforce needs;</u>	20635
<u>(7) Any other topic determined appropriate by the committee.</u>	20636
<u>(C) The committee established under this section shall</u>	20637
<u>consist of all of the following:</u>	20638
<u>(1) The superintendent of public instruction, or designee;</u>	20639
<u>(2) The chancellor, or designee;</u>	20640
<u>(3) Representatives of computer science education</u>	20641
<u>stakeholders appointed by the state superintendent, in</u>	20642
<u>consultation with the chancellor. Computer science education</u>	20643
<u>stakeholders represented on the committee shall include all of the</u>	20644
<u>following:</u>	20645
<u>(a) Career-technical education;</u>	20646
<u>(b) Teachers;</u>	20647
<u>(c) Institutions of higher education;</u>	20648

<u>(d) Businesses;</u>	20649
<u>(e) State and national computer science organizations.</u>	20650
<u>(D) Within the plan, the committee established under this</u>	20651
<u>section shall include all of the following:</u>	20652
<u>(1) An examination of the challenges that prevent school</u>	20653
<u>districts from offering computer science courses;</u>	20654
<u>(2) A requirement that the department of education collect</u>	20655
<u>any data regarding computer science courses offered by school</u>	20656
<u>districts and school buildings operated by school districts,</u>	20657
<u>including the names of the courses and whether the courses were</u>	20658
<u>developed using the standards and model curriculum adopted under</u>	20659
<u>division (A)(4) of section 3301.079 of the Revised Code, and post</u>	20660
<u>the collected data on its web site.</u>	20661
<u>(3) Any findings the committee determines appropriate based</u>	20662
<u>on its consideration of the topics described in division (B) of</u>	20663
<u>this section.</u>	20664
<u>(E) The committee shall complete the plan not later than one</u>	20665
<u>year after the effective date of this section and the department</u>	20666
<u>shall post the completed plan in a prominent location on its web</u>	20667
<u>site.</u>	20668
<b><u>Sec. 3301.231.</u></b> (A) <u>The department of education, in</u>	20669
<u>consultation with computer science stakeholders as determined</u>	20670
<u>appropriate by the department, shall establish a program to</u>	20671
<u>provide high school students in the state with access to online</u>	20672
<u>computer science courses for the purposes of section 3301.232 of</u>	20673
<u>the Revised Code.</u>	20674
<u>(B) Under the program, the department shall develop a process</u>	20675
<u>to solicit and review proposals from educational providers to</u>	20676
<u>offer online computer science courses under section 3301.232 of</u>	20677
<u>the Revised Code. The department shall approve a proposal only if</u>	20678

it meets both of the following conditions: 20679

(1) Each course included in the proposal is high-quality, 20680  
rigorous, and aligned with the standards and model curriculum 20681  
adopted under division (A)(4) of section 3301.079 of the Revised 20682  
Code. 20683

(2) A student may earn high school credits that apply to the 20684  
curriculum requirements prescribed under section 3313.603 of the 20685  
Revised Code in each course included in the proposal. 20686

(C) The department shall determine a method to calculate and 20687  
make payments to educational providers who enroll students in 20688  
online computer science courses approved under division (B) of 20689  
this section and offered to the students under section 3301.232 of 20690  
the Revised Code. The method shall be deducted from the school 20691  
foundation payments made to the participant's school district or, 20692  
if the participant is enrolled in a community school, a STEM 20693  
school, or a college-preparatory boarding school, from the 20694  
payments made to that school under section 3314.08, 3326.33, or 20695  
3328.34 of the Revised Code, similar to how the department 20696  
calculates and makes payments under section 3365.07 of the Revised 20697  
Code for the college credit plus program, as determined by the 20698  
department. 20699

(D) The department shall adopt rules to implement this 20700  
section and section 3301.232 of the Revised Code. 20701

(E) This section and section 3301.232 of the Revised Code do 20702  
not affect the college credit plus program established under 20703  
Chapter 3365. of the Revised Code. 20704

**Sec. 3301.232.** (A) As used in this section: 20705

(1) "Approved course" means an online computer science course 20706  
included in a proposal approved by the department of education 20707  
under division (B) of section 3301.231 of the Revised Code. 20708

(2) "Integrated course" means a general education course that 20709  
incorporates computer science principles. 20710

(B) Except as provided for in division (C) of this section, 20711  
each student enrolled in a city, local, exempted village, or joint 20712  
vocational school district shall have the option to enroll in a 20713  
computer science course or integrated course offered by the 20714  
student's district or an approved course offered by an educational 20715  
provider, as follows: 20716

(1) For the 2022-2023 school year and each school year 20717  
thereafter, a student enrolled in grade eleven or twelve shall 20718  
have the option to enroll in a computer science course offered by 20719  
the school district or an approved course offered by an 20720  
educational provider; 20721

(2) For the 2023-2024 school year and each school year 20722  
thereafter, a student enrolled in grade nine or ten shall have the 20723  
option to enroll in an age-appropriate, standalone computer 20724  
science course offered by the school district or an approved 20725  
course offered by an educational provider; 20726

(3) For the 2024-2025 school year and each school year 20727  
thereafter, a student enrolled in any of grades kindergarten 20728  
through eight shall have the option to enroll in an 20729  
age-appropriate integrated course offered by the school district. 20730

(C) A school district shall offer computer science or 20731  
integrated courses to students enrolled in the district in 20732  
accordance with division (B) of this section, except that a board 20733  
of education may submit to the superintendent of public 20734  
instruction a request for a waiver from that requirement with 20735  
respect to students enrolled in a particular school building 20736  
operated by the district board. The state superintendent shall 20737  
consider each request for a waiver and either approve or 20738  
disapprove the waiver based on standards adopted by the state 20739

board of education. For each approved waiver, the state 20740  
superintendent shall specify the period of time for which the 20741  
waiver shall be in effect, except that period shall not exceed 20742  
five years. A district board may apply to renew a waiver. 20743

(D) Each school district shall annually submit to the 20744  
department, in a form and manner prescribed by the department, 20745  
data reporting the number of students enrolled in computer science 20746  
courses and the type of such courses. The type of computer science 20747  
courses shall be disaggregated by course code and whether the 20748  
courses are offered by the district or an educational provider. 20749

(E) Nothing in this section shall be construed as prohibiting 20750  
a school district from offering computer science or integrated 20751  
courses to students enrolled in any of grades kindergarten through 20752  
twelve. 20753

**Sec. 3301.233.** (A) As used in this section, "public school" 20754  
means any of the following: 20755

(1) A city, local, exempted village, or joint vocational 20756  
school district; 20757

(2) A community school established under Chapter 3314. of the 20758  
Revised Code; 20759

(3) A STEM school established under Chapter 3326. of the 20760  
Revised Code. 20761

(B) The department of education, in consultation with the 20762  
chancellor of higher education, shall issue an annual report on 20763  
computer science education in the state. 20764

(C) The report shall include information regarding all of the 20765  
following, as determined by the superintendent of public 20766  
instruction and the chancellor: 20767

(1) Public schools that offer computer science courses; 20768

<u>(2) The types of computer science courses offered by public schools;</u>	20769
	20770
<u>(3) How many teachers employed by public schools hold one of the following:</u>	20771
	20772
<u>(a) A valid educators license in computer science in accordance with section 3319.236 of the Revised Code;</u>	20773
	20774
<u>(b) A valid license endorsement in computer technology in accordance with section 3319.236 of the Revised Code;</u>	20775
	20776
<u>(c) A supplemental teaching license for teaching computer science in accordance with section 3319.236 of the Revised Code;</u>	20777
	20778
<u>(d) Any other license or endorsement determined appropriate by the department, in consultation with the chancellor.</u>	20779
	20780
<u>(4) The type of computer science courses, and the grade levels for those courses, taught by teachers who hold a license or endorsement described in division (C)(3) of this section;</u>	20781
	20782
	20783
<u>(5) The number of undergraduate students who study computer science in institutions of higher education located in the state, disaggregated by region of the state, student demographics, and student participation in a pathway partnership in the previous five-year period, if the data is available.</u>	20784
	20785
	20786
	20787
	20788
<u>(D) Information included in the report as prescribed under divisions (C)(1) to (4) of this section shall be disaggregated by all of the following:</u>	20789
	20790
	20791
<u>(1) For school districts, whether each district is urban, rural, or suburban, and if any other classification determined appropriate by the department, in consultation with the chancellor, applies to the district;</u>	20792
	20793
	20794
	20795
<u>(2) Region of the state;</u>	20796
<u>(3) Demographic data of students enrolled in computer science courses, including race and ethnic group, gender, and whether the</u>	20797
	20798

students are economically disadvantaged. Such demographic data 20799  
shall be reported by public school and computer science course 20800  
code. 20801

Sec. 3304.24. Each October during national disability 20802  
employment awareness month, the governor shall present an award to 20803  
employers who meet the criteria for having a workplace inclusive 20804  
of individuals with disabilities. The opportunities for Ohioans 20805  
with disabilities agency shall determine the inclusive workplace 20806  
criteria to be used to recommend employers for the award. 20807

**Sec. 3311.741.** (A) This section applies only to a municipal 20808  
school district in existence on July 1, 2012. 20809

(B) Not later than December 1, 2012, the board of education 20810  
of each municipal school district to which this section applies 20811  
shall submit to the superintendent of public instruction an array 20812  
of measures to be used in evaluating the performance of the 20813  
district. The measures shall assess at least overall student 20814  
achievement, student progress over time, the achievement and 20815  
progress over time of each of the applicable categories of 20816  
students described in division (F) of section 3302.03 of the 20817  
Revised Code, and college and career readiness. The state 20818  
superintendent shall approve or disapprove the measures by January 20819  
15, 2013. If the measures are disapproved, the state 20820  
superintendent shall recommend modifications that will make the 20821  
measures acceptable. 20822

(C) Beginning with the 2012-2013 school year, the board 20823  
annually shall establish goals for improvement on each of the 20824  
measures approved under division (B) of this section. The school 20825  
district's performance data for the 2011-2012 school year shall be 20826  
used as a baseline for determining improvement. 20827

(D) Not later than October 1, 2013, and by the first day of 20828

October each year thereafter, the board shall issue a report 20829  
describing the school district's performance for the previous 20830  
school year on each of the measures approved under division (B) of 20831  
this section and whether the district has met each of the 20832  
improvement goals established for that year under division (C) of 20833  
this section. The board shall provide the report to the governor, 20834  
the superintendent of public instruction, and, in accordance with 20835  
section 101.68 of the Revised Code, the general assembly. 20836

~~(E) Not later than November 15, 2017, the superintendent of 20837  
public instruction shall evaluate the school district's 20838  
performance based on the measures approved under division (B) of 20839  
this section and shall issue a report to the governor and general 20840  
assembly. 20841~~

**Sec. 3313.48.** (A) The board of education of each city, 20842  
exempted village, local, and joint vocational school district 20843  
shall provide for the free education of the youth of school age 20844  
within the district under its jurisdiction, at such places as will 20845  
be most convenient for the attendance of the largest number 20846  
thereof. Each school so provided and each chartered nonpublic 20847  
school shall be open for instruction with pupils in attendance, 20848  
including scheduled classes, supervised activities, and approved 20849  
education options but excluding lunch and breakfast periods and 20850  
extracurricular activities, for not less than four hundred 20851  
fifty-five hours in the case of pupils in kindergarten unless such 20852  
pupils are provided all-day kindergarten, as defined in section 20853  
3321.05 of the Revised Code, in which case the pupils shall be in 20854  
attendance for nine hundred ten hours; nine hundred ten hours in 20855  
the case of pupils in grades one through six; and one thousand one 20856  
hours in the case of pupils in grades seven through twelve in each 20857  
school year, which may include all of the following: 20858

(1) Up to the equivalent of two school days per year during 20859

which pupils would otherwise be in attendance but are not required 20860  
to attend for the purpose of individualized parent-teacher 20861  
conferences and reporting periods; 20862

(2) Up to the equivalent of two school days per year during 20863  
which pupils would otherwise be in attendance but are not required 20864  
to attend for professional meetings of teachers; 20865

(3) Morning and afternoon recess periods of not more than 20866  
fifteen minutes duration per period for pupils in grades 20867  
kindergarten through six. 20868

(B) Not later than thirty days prior to adopting a school 20869  
calendar, the board of education of each city, exempted village, 20870  
and local school district shall hold a public hearing on the 20871  
school calendar, addressing topics that include, but are not 20872  
limited to, the total number of hours in a school year, length of 20873  
school day, and beginning and end dates of instruction. 20874

(C) No school operated by a city, exempted village, local, or 20875  
joint vocational school district shall reduce the number of hours 20876  
in each school year that the school is scheduled to be open for 20877  
instruction from the number of hours per year the school was open 20878  
for instruction during the previous school year unless the 20879  
reduction is approved by a resolution adopted by the district 20880  
board of education. Any reduction so approved shall not result in 20881  
fewer hours of instruction per school year than the applicable 20882  
number of hours required under division (A) of this section. 20883

(D) Prior to making any change in the hours or days in which 20884  
a high school under its jurisdiction is open for instruction, the 20885  
board of education of each city, exempted village, and local 20886  
school district shall consider the compatibility of the proposed 20887  
change with the scheduling needs of any joint vocational school 20888  
district in which any of the high school's students are also 20889  
enrolled. The board shall consider the impact of the proposed 20890

change on student access to the instructional programs offered by 20891  
the joint vocational school district, incentives for students to 20892  
participate in career-technical education, transportation, and the 20893  
timing of graduation. The board shall provide the joint vocational 20894  
school district board with advance notice of the proposed change 20895  
and the two boards shall enter into a written agreement 20896  
prescribing reasonable accommodations to meet the scheduling needs 20897  
of the joint vocational school district prior to implementation of 20898  
the change. 20899

(E) ~~Prior~~ Subject to section 3327.016 of the Revised Code, 20900  
prior to making any change in the hours or days in which a school 20901  
under its jurisdiction is open for instruction, the board of 20902  
education of each city, exempted village, and local school 20903  
district shall consider the compatibility of the proposed change 20904  
with the scheduling needs of any community school established 20905  
under Chapter 3314. of the Revised Code to which the district is 20906  
required to transport students under sections 3314.09 and 3327.01 20907  
of the Revised Code. The board shall consider the impact of the 20908  
proposed change on student access to the instructional programs 20909  
offered by the community school, transportation, and the timing of 20910  
graduation. The board shall provide the sponsor, governing 20911  
authority, and operator of the community school with advance 20912  
notice of the proposed change, and the board and the governing 20913  
authority, or operator if such authority is delegated to the 20914  
operator, shall enter into a written agreement prescribing 20915  
reasonable accommodations to meet the scheduling needs of the 20916  
community school prior to implementation of the change. 20917

(F) ~~Prior~~ Subject to section 3327.016 of the Revised Code, 20918  
prior to making any change in the hours or days in which the 20919  
schools under its jurisdiction are open for instruction, the board 20920  
of education of each city, exempted village, and local school 20921  
district shall consult with the chartered nonpublic schools to 20922

which the district is required to transport students under section 20923  
3327.01 of the Revised Code and shall consider the effect of the 20924  
proposed change on the schedule for transportation of those 20925  
students to their nonpublic schools. The governing authority of a 20926  
chartered nonpublic school shall consult with each school district 20927  
board of education that transports students to the chartered 20928  
nonpublic school under section 3327.01 of the Revised Code prior 20929  
to making any change in the hours or days in which the nonpublic 20930  
school is open for instruction. 20931

(G) The state board of education shall not adopt or enforce 20932  
any rule or standard that imposes on chartered nonpublic schools 20933  
the procedural requirements imposed on school districts by 20934  
divisions (B), (C), (D), and (E) of this section. 20935

**Sec. 3313.488.** (A) Within fifteen days after the date the 20936  
state board of education issues an order under section 3313.487 of 20937  
the Revised Code making a school district subject to this section, 20938  
the district's board of education shall prepare a fiscal statement 20939  
of expenses and expenditures for the remainder of the current 20940  
fiscal year. The fiscal statement shall be submitted to the 20941  
superintendent of public instruction and shall set forth all 20942  
revenues to be received by the district during the remainder of 20943  
the fiscal year and their sources, the expenses to be incurred by 20944  
the district during the remainder of the fiscal year, the 20945  
outstanding and unpaid expenses at the time the fiscal statement 20946  
is prepared and the date or dates by which such expenses must be 20947  
paid, and such other information as the superintendent requires to 20948  
enable the superintendent to ensure that during the remainder of 20949  
the fiscal year, the district will not incur any expenses that 20950  
will further impair its ability to operate an instructional 20951  
program that meets or exceeds the minimum standards of the state 20952  
board of education and requirements of the Revised Code during the 20953  
current and ensuing fiscal years with the revenue available to it 20954

from existing revenue sources. The fiscal statement shall be 20955  
presented in such detail and form as the superintendent 20956  
prescribes. Beginning the tenth day after the fiscal statement is 20957  
submitted and for the remainder of the fiscal year, the board 20958  
shall not make any expenditure of money, make any employment, 20959  
purchase, or rental contract, give any order involving the 20960  
expenditure of money, or increase any wage or salary schedule 20961  
unless the superintendent of public instruction has approved the 20962  
fiscal statement in writing and the expenditure, contract, order, 20963  
or schedule has been approved in writing by the superintendent as 20964  
being in conformity with the fiscal statement. 20965

Any contract or expenditure made, order given, or schedule 20966  
adopted or put into effect without the written approval of the 20967  
superintendent of public instruction is void, and no warrant shall 20968  
be issued in payment of any amount due thereon. 20969

(B) A board of education subject to division (A) of this 20970  
section shall prepare a fiscal statement of expenses and 20971  
expenditures for the ensuing fiscal year. The fiscal statement 20972  
shall be submitted to the superintendent of public instruction and 20973  
shall set forth all revenues to be received by the district during 20974  
such year and their source, the expenses to be incurred by the 20975  
district during such year, the outstanding and unpaid expenses on 20976  
the first day of such fiscal year, the date or dates by which such 20977  
expenses must be paid, and such other information as the 20978  
superintendent requires to enable the superintendent to ensure 20979  
that during such year, the district will not incur any expenses 20980  
that will further impair its ability to operate an instructional 20981  
program that meets or exceeds the minimum standards of the state 20982  
board of education and requirements of the Revised Code during 20983  
such year with the revenue available to it from existing revenue 20984  
sources. The fiscal statement shall be presented at the time and 20985  
in such detail and form as the superintendent prescribes. During 20986

the fiscal year following the year in which a board of education 20987  
first becomes subject to division (A) of this section it shall not 20988  
make any expenditure of money, make any employment, purchase, or 20989  
rental contract, give any order involving the expenditure of 20990  
money, or increase any wage or salary schedule unless the 20991  
superintendent of public instruction has approved the fiscal 20992  
statement submitted under this division in writing and has 20993  
approved the expenditure, contract, order, or schedule in writing 20994  
as being in conformity with the fiscal statement. 20995

Any contract or expenditure made, order given, or schedule 20996  
adopted or put into effect without the written approval of the 20997  
superintendent of public instruction is void, and no warrant shall 20998  
be issued in payment of any amount due thereon. 20999

(C) The state board of education shall examine any fiscal 21000  
statement presented to and approved by the superintendent of 21001  
public instruction under division (B) of this section and shall 21002  
determine whether the data set forth in the fiscal statement are 21003  
factual and based upon assumptions that in its judgment are 21004  
reasonable expectations consistent with acceptable governmental 21005  
budget and accounting practices. If the state board so determines 21006  
and finds that the revenues and expenditures in the fiscal 21007  
statement are in balance for the fiscal year and the fiscal 21008  
statement will enable the district to operate during such year 21009  
without interrupting its school calendar, it shall certify its 21010  
determination and finding to the district at least thirty days 21011  
prior to the beginning of the fiscal year, and the district shall 21012  
thereupon cease to be subject to this section. If the state board 21013  
does not make such a determination and finding, the board of 21014  
education and school district are subject to this division and 21015  
division (B) of this section in the ensuing fiscal year and each 21016  
fiscal year thereafter until the state board makes a 21017  
determination, finding, and certification under this division. 21018

(D) Any officer, employee, or other person who knowingly 21019  
expends or authorizes the expenditure of any public funds or 21020  
knowingly authorizes or executes any contract, order, or schedule 21021  
contrary to division (A) or (B) of this section or who knowingly 21022  
expends or authorizes the expenditure of any public funds on any 21023  
such void contract, order, or schedule is jointly and severally 21024  
liable in person and upon any official bond that the officer, 21025  
employee, or other person has given to such school district to the 21026  
extent of any payments on the void claim, not to exceed twenty 21027  
thousand dollars. The attorney general at the written request of 21028  
the superintendent of public instruction shall enforce this 21029  
liability by civil action brought in any court of appropriate 21030  
jurisdiction in the name of and on behalf of the school district. 21031

~~(E) During each month that a board of education is subject to 21032  
division (A), (B), or (C) of this section, the superintendent of 21033  
public instruction shall submit a report to the speaker of the 21034  
house of representatives and the president of the senate on the 21035  
financial condition of the school district. The report shall 21036  
contain the date by which the superintendent anticipates the 21037  
district will cease to be subject to such divisions, the 21038  
district's plans for becoming exempt from such section, and such 21039  
other information the superintendent determines appropriate or the 21040  
speaker of the house of representatives or president of the senate 21041  
requests. 21042~~

~~In addition to the other reports required under this 21043  
division, on the thirty first day of each school district fiscal 21044  
year following a fiscal year in which a school district first 21045  
becomes subject to this section, the superintendent shall submit a 21046  
written report to the speaker of the house of representatives and 21047  
the president of the senate. The report shall include 21048  
recommendations to the general assembly for strengthening the 21049  
financial condition of school districts based upon the experiences 21050~~

~~of the superintendent and the state board in exercising their 21051  
powers under this section and sections 3313.483 and 3313.487 of 21052  
the Revised Code. 21053~~

~~(F) This section does not apply to a school district declared 21054  
to be under a fiscal emergency pursuant to division (B) of section 21055  
3316.03 of the Revised Code. 21056~~

**Sec. 3313.60.** Notwithstanding division (D) of section 3311.52 21057  
of the Revised Code, divisions (A) to (E) of this section do not 21058  
apply to any cooperative education school district established 21059  
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 21060  
Code. 21061

(A) The board of education of each city, exempted village, 21062  
and local school district and the board of each cooperative 21063  
education school district established, pursuant to section 21064  
3311.521 of the Revised Code, shall prescribe a curriculum for all 21065  
schools under its control. Except as provided in division (E) of 21066  
this section, in any such curriculum there shall be included the 21067  
study of the following subjects: 21068

(1) The language arts, including reading, writing, spelling, 21069  
oral and written English, and literature; 21070

(2) Geography, the history of the United States and of Ohio, 21071  
and national, state, and local government in the United States, 21072  
including a balanced presentation of the relevant contributions to 21073  
society of men and women of African, Mexican, Puerto Rican, and 21074  
American Indian descent as well as other ethnic and racial groups 21075  
in Ohio and the United States; 21076

(3) Mathematics; 21077

(4) Natural science, including instruction in the 21078  
conservation of natural resources; 21079

(5) Health education, which shall include instruction in: 21080

(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;

(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco, including electronic smoking devices;

(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;

(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention;

(e) In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships.

In order to assist school districts in developing a dating violence prevention education curriculum, the department of education shall provide on its web site links to free curricula addressing dating violence prevention.

If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the principal, within a reasonable period of time after the request is made, shall allow the parent or guardian to examine those materials at that school.

(f) Prescription opioid abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as

heroin;	21112
(g) The process of making an anatomical gift under Chapter 2108. of the Revised Code, with an emphasis on the life-saving and life-enhancing effects of organ and tissue donation.	21113 21114 21115
(6) Physical education;	21116
(7) The fine arts, including music;	21117
(8) First aid, including a training program in cardiopulmonary resuscitation, which shall comply with section 3313.6021 of the Revised Code when offered in any of grades nine through twelve, safety, and fire prevention. However, upon written request of the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.	21118 21119 21120 21121 21122 21123
(B) Except as provided in division (E) of this section, every school or school district shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history. A board may waive this requirement for academically accelerated students who, in accordance with procedures adopted by the board, are able to demonstrate mastery of essential concepts and skills of the eighth grade American history course of study.	21124 21125 21126 21127 21128 21129 21130 21131
(C) As specified in divisions (B)(6) and (C)(6) of section 3313.603 of the Revised Code, except as provided in division (E) of this section, every high school shall include in the requirements for graduation from any curriculum one-half unit each of American history and government.	21132 21133 21134 21135 21136
(D) Except as provided in division (E) of this section, basic instruction or demonstrated mastery in geography, United States history, the government of the United States, the government of the state of Ohio, local government in Ohio, the Declaration of Independence, the United States Constitution, and the Constitution of the state of Ohio shall be required before pupils may	21137 21138 21139 21140 21141 21142

participate in courses involving the study of social problems, 21143  
economics, foreign affairs, United Nations, world government, 21144  
socialism, and communism. 21145

(E) For each cooperative education school district 21146  
established pursuant to section 3311.521 of the Revised Code and 21147  
each city, exempted village, and local school district that has 21148  
territory within such a cooperative district, the curriculum 21149  
adopted pursuant to divisions (A) to (D) of this section shall 21150  
only include the study of the subjects that apply to the grades 21151  
operated by each such school district. The ~~curriculum~~ curricula 21152  
for such schools, when combined, shall provide to each student of 21153  
these districts all of the subjects required under divisions (A) 21154  
to (D) of this section. 21155

(F) The board of education of any cooperative education 21156  
school district established pursuant to divisions (A) to (C) of 21157  
section 3311.52 of the Revised Code shall prescribe a curriculum 21158  
for the subject areas and grade levels offered in any school under 21159  
its control. 21160

(G) Upon the request of any parent or legal guardian of a 21161  
student, the board of education of any school district shall 21162  
permit the parent or guardian to promptly examine, with respect to 21163  
the parent's or guardian's own child: 21164

(1) Any survey or questionnaire, prior to its administration 21165  
to the child; 21166

(2) Any textbook, workbook, software, video, or other 21167  
instructional materials being used by the district in connection 21168  
with the instruction of the child; 21169

(3) Any completed and graded test taken or survey or 21170  
questionnaire filled out by the child; 21171

(4) Copies of the statewide academic standards and each model 21172  
curriculum developed pursuant to section 3301.079 of the Revised 21173

Code, which copies shall be available at all times during school 21174  
hours in each district school building. 21175

**Sec. 3313.603.** (A) As used in this section: 21176

(1) "One unit" means a minimum of one hundred twenty hours of 21177  
course instruction, except that for a laboratory course, "one 21178  
unit" means a minimum of one hundred fifty hours of course 21179  
instruction. 21180

(2) "One-half unit" means a minimum of sixty hours of course 21181  
instruction, except that for physical education courses, "one-half 21182  
unit" means a minimum of one hundred twenty hours of course 21183  
instruction. 21184

(B) Beginning September 15, 2001, except as required in 21185  
division (C) of this section and division (C) of section 3313.614 21186  
of the Revised Code, the requirements for graduation from every 21187  
high school shall include twenty units earned in grades nine 21188  
through twelve and shall be distributed as follows: 21189

(1) English language arts, four units; 21190

(2) Health, one-half unit; 21191

(3) Mathematics, three units; 21192

(4) Physical education, one-half unit; 21193

(5) Science, two units until September 15, 2003, and three 21194  
units thereafter, which at all times shall include both of the 21195  
following: 21196

(a) Biological sciences, one unit; 21197

(b) Physical sciences, one unit. 21198

(6) History and government, one unit, which shall comply with 21199  
division (M) of this section and shall include both of the 21200  
following: 21201

(a) American history, one-half unit;	21202
(b) American government, one-half unit.	21203
(7) Social studies, two units.	21204
Beginning with students who enter ninth grade for the first	21205
time on or after July 1, 2017, the two units of instruction	21206
prescribed by division (B)(7) of this section shall include at	21207
least one-half unit of instruction in the study of world history	21208
and civilizations.	21209
(8) Elective units, seven units until September 15, 2003, and	21210
six units thereafter.	21211
Each student's electives shall include at least one unit, or	21212
two half units, chosen from among the areas of	21213
business/technology, fine arts, and/or foreign language.	21214
(C) Beginning with students who enter ninth grade for the	21215
first time on or after July 1, 2010, except as provided in	21216
divisions (D) to (F) of this section, the requirements for	21217
graduation from every public and chartered nonpublic high school	21218
shall include twenty units that are designed to prepare students	21219
for the workforce and college. The units shall be distributed as	21220
follows:	21221
(1) English language arts, four units;	21222
(2) Health, one-half unit, which shall include instruction in	21223
nutrition and the benefits of nutritious foods and physical	21224
activity for overall health;	21225
(3) Mathematics, four units, which shall include one unit of	21226
algebra II or the equivalent of algebra II, or one unit of	21227
advanced computer science as described in the standards adopted	21228
pursuant to division (A)(4) of section 3301.079 of the Revised	21229
Code. However, students who enter ninth grade for the first time	21230
on or after July 1, 2015, and who are pursuing a career-technical	21231

instructional track shall not be required to take algebra II or 21232  
advanced computer science, and instead may complete a career-based 21233  
pathway mathematics course approved by the department of education 21234  
as an alternative. 21235

For students who choose to take advanced computer science in 21236  
lieu of algebra II under division (C)(3) of this section, the 21237  
school shall communicate to those students that some institutions 21238  
of higher education may require algebra II for the purpose of 21239  
college admission. Also, the parent, guardian, or legal custodian 21240  
of each student who chooses to take advanced computer science in 21241  
lieu of algebra II shall sign and submit to the school a document 21242  
containing a statement acknowledging that not taking algebra II 21243  
may have an adverse effect on college admission decisions. 21244

(4) Physical education, one-half unit; 21245

(5) Science, three units with inquiry-based laboratory 21246  
experience that engages students in asking valid scientific 21247  
questions and gathering and analyzing information, which shall 21248  
include the following, or their equivalent: 21249

(a) Physical sciences, one unit; 21250

(b) Life sciences, one unit; 21251

(c) Advanced study in one or more of the following sciences, 21252  
one unit: 21253

(i) Chemistry, physics, or other physical science; 21254

(ii) Advanced biology or other life science; 21255

(iii) Astronomy, physical geology, or other earth or space 21256  
science; 21257

(iv) Computer science. 21258

No student shall substitute a computer science course for a 21259  
life sciences or biology course under division (C)(5) of this 21260  
section. 21261

(6) History and government, one unit, which shall comply with 21262  
division (M) of this section and shall include both of the 21263  
following: 21264

(a) American history, one-half unit; 21265

(b) American government, one-half unit. 21266

(7) Social studies, two units. 21267

Each school shall integrate the study of economics and 21268  
financial literacy, as expressed in the social studies academic 21269  
content standards adopted by the state board of education under 21270  
division (A)(1) of section 3301.079 of the Revised Code and the 21271  
academic content standards for financial literacy and 21272  
entrepreneurship adopted under division (A)(2) of that section, 21273  
into one or more existing social studies credits required under 21274  
division (C)(7) of this section, or into the content of another 21275  
class, so that every high school student receives instruction in 21276  
those concepts. In developing the curriculum required by this 21277  
paragraph, schools shall use available public-private partnerships 21278  
and resources and materials that exist in business, industry, and 21279  
through the centers for economics education at institutions of 21280  
higher education in the state. 21281

Beginning with students who enter ninth grade for the first 21282  
time on or after July 1, 2017, the two units of instruction 21283  
prescribed by division (C)(7) of this section shall include at 21284  
least one-half unit of instruction in the study of world history 21285  
and civilizations. 21286

(8) Five units consisting of one or any combination of 21287  
foreign language, fine arts, business, career-technical education, 21288  
family and consumer sciences, technology which may include 21289  
computer science, agricultural education, a junior reserve officer 21290  
training corps (JROTC) program approved by the congress of the 21291  
United States under title 10 of the United States Code, or English 21292

language arts, mathematics, science, or social studies courses not 21293  
otherwise required under division (C) of this section. 21294

Ohioans must be prepared to apply increased knowledge and 21295  
skills in the workplace and to adapt their knowledge and skills 21296  
quickly to meet the rapidly changing conditions of the 21297  
twenty-first century. National studies indicate that all high 21298  
school graduates need the same academic foundation, regardless of 21299  
the opportunities they pursue after graduation. The goal of Ohio's 21300  
system of elementary and secondary education is to prepare all 21301  
students for and seamlessly connect all students to success in 21302  
life beyond high school graduation, regardless of whether the next 21303  
step is entering the workforce, beginning an apprenticeship, 21304  
engaging in post-secondary training, serving in the military, or 21305  
pursuing a college degree. 21306

The requirements for graduation prescribed in division (C) of 21307  
this section are the standard expectation for all students 21308  
entering ninth grade for the first time at a public or chartered 21309  
nonpublic high school on or after July 1, 2010. A student may 21310  
satisfy this expectation through a variety of methods, including, 21311  
but not limited to, integrated, applied, career-technical, and 21312  
traditional coursework. 21313

Stronger coordination between high schools and institutions 21314  
of higher education is necessary to prepare students for more 21315  
challenging academic endeavors and to lessen the need for academic 21316  
remediation in college, thereby reducing the costs of higher 21317  
education for Ohio's students, families, and the state. The state 21318  
board and the chancellor of higher education shall develop 21319  
policies to ensure that only in rare instances will students who 21320  
complete the requirements for graduation prescribed in division 21321  
(C) of this section require academic remediation after high 21322  
school. 21323

School districts, community schools, and chartered nonpublic 21324

schools shall integrate technology into learning experiences 21325  
across the curriculum in order to maximize efficiency, enhance 21326  
learning, and prepare students for success in the 21327  
technology-driven twenty-first century. Districts and schools 21328  
shall use distance and web-based course delivery as a method of 21329  
providing or augmenting all instruction required under this 21330  
division, including laboratory experience in science. Districts 21331  
and schools shall utilize technology access and electronic 21332  
learning opportunities provided by the broadcast educational media 21333  
commission, chancellor, the Ohio learning network, education 21334  
technology centers, public television stations, and other public 21335  
and private providers. 21336

(D) Except as provided in division (E) of this section, a 21337  
student who enters ninth grade on or after July 1, 2010, and 21338  
before July 1, 2016, may qualify for graduation from a public or 21339  
chartered nonpublic high school even though the student has not 21340  
completed the requirements for graduation prescribed in division 21341  
(C) of this section if all of the following conditions are 21342  
satisfied: 21343

(1) During the student's third year of attending high school, 21344  
as determined by the school, the student and the student's parent, 21345  
guardian, or custodian sign and file with the school a written 21346  
statement asserting the parent's, guardian's, or custodian's 21347  
consent to the student's graduating without completing the 21348  
requirements for graduation prescribed in division (C) of this 21349  
section and acknowledging that one consequence of not completing 21350  
those requirements is ineligibility to enroll in most state 21351  
universities in Ohio without further coursework. 21352

(2) The student and parent, guardian, or custodian fulfill 21353  
any procedural requirements the school stipulates to ensure the 21354  
student's and parent's, guardian's, or custodian's informed 21355  
consent and to facilitate orderly filing of statements under 21356

division (D)(1) of this section. Annually, each district or school 21357  
shall notify the department of the number of students who choose 21358  
to qualify for graduation under division (D) of this section and 21359  
the number of students who complete the student's success plan and 21360  
graduate from high school. 21361

(3) The student and the student's parent, guardian, or 21362  
custodian and a representative of the student's high school 21363  
jointly develop a student success plan for the student in the 21364  
manner described in division (C)(1) of section 3313.6020 of the 21365  
Revised Code that specifies the student matriculating to a 21366  
two-year degree program, acquiring a business and 21367  
industry-recognized credential, or entering an apprenticeship. 21368

(4) The student's high school provides counseling and support 21369  
for the student related to the plan developed under division 21370  
(D)(3) of this section during the remainder of the student's high 21371  
school experience. 21372

(5)(a) Except as provided in division (D)(5)(b) of this 21373  
section, the student successfully completes, at a minimum, the 21374  
curriculum prescribed in division (B) of this section. 21375

(b) Beginning with students who enter ninth grade for the 21376  
first time on or after July 1, 2014, a student shall be required 21377  
to complete successfully, at the minimum, the curriculum 21378  
prescribed in division (B) of this section, except as follows: 21379

(i) Mathematics, four units, one unit which shall be one of 21380  
the following: 21381

(I) Probability and statistics; 21382

(II) Computer science; 21383

(III) Applied mathematics or quantitative reasoning; 21384

(IV) Any other course approved by the department using 21385  
standards established by the superintendent not later than October 21386

1, 2014. 21387

(ii) Elective units, five units; 21388

(iii) Science, three units as prescribed by division (B) of 21389  
this section which shall include inquiry-based laboratory 21390  
experience that engages students in asking valid scientific 21391  
questions and gathering and analyzing information. 21392

~~The department, in collaboration with the chancellor, shall 21393  
analyze student performance data to determine if there are 21394  
mitigating factors that warrant extending the exception permitted 21395  
by division (D) of this section to high school classes beyond 21396  
those entering ninth grade before July 1, 2016. The department 21397  
shall submit its findings and any recommendations not later than 21398  
December 1, 2015, to the speaker and minority leader of the house 21399  
of representatives, the president and minority leader of the 21400  
senate, the chairpersons and ranking minority members of the 21401  
standing committees of the house of representatives and the senate 21402  
that consider education legislation, the state board of education, 21403  
and the superintendent of public instruction. 21404~~

(E) Each school district and chartered nonpublic school 21405  
retains the authority to require an even more challenging minimum 21406  
curriculum for high school graduation than specified in division 21407  
(B) or (C) of this section. A school district board of education, 21408  
through the adoption of a resolution, or the governing authority 21409  
of a chartered nonpublic school may stipulate any of the 21410  
following: 21411

(1) A minimum high school curriculum that requires more than 21412  
twenty units of academic credit to graduate; 21413

(2) An exception to the district's or school's minimum high 21414  
school curriculum that is comparable to the exception provided in 21415  
division (D) of this section but with additional requirements, 21416  
which may include a requirement that the student successfully 21417

complete more than the minimum curriculum prescribed in division	21418
(B) of this section;	21419
(3) That no exception comparable to that provided in division	21420
(D) of this section is available.	21421
If a school district or chartered nonpublic school requires a	21422
foreign language as an additional graduation requirement under	21423
division (E) of this section, a student may apply one unit of	21424
instruction in computer coding to satisfy one unit of foreign	21425
language. If a student applies more than one computer coding	21426
course to satisfy the foreign language requirement, the courses	21427
shall be sequential and progressively more difficult.	21428
(F) A student enrolled in a dropout prevention and recovery	21429
program, which program has received a waiver from the department,	21430
may qualify for graduation from high school by successfully	21431
completing a competency-based instructional program administered	21432
by the dropout prevention and recovery program in lieu of	21433
completing the requirements for graduation prescribed in division	21434
(C) of this section. The department shall grant a waiver to a	21435
dropout prevention and recovery program, within sixty days after	21436
the program applies for the waiver, if the program meets all of	21437
the following conditions:	21438
(1) The program serves only students not younger than sixteen	21439
years of age and not older than twenty-one years of age.	21440
(2) The program enrolls students who, at the time of their	21441
initial enrollment, either, or both, are at least one grade level	21442
behind their cohort age groups or experience crises that	21443
significantly interfere with their academic progress such that	21444
they are prevented from continuing their traditional programs.	21445
(3) The program requires students to attain at least the	21446
applicable score designated for each of the assessments prescribed	21447
under division (B)(1) of section 3301.0710 of the Revised Code or,	21448

to the extent prescribed by rule of the state board under division 21449  
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 21450  
of that section. 21451

(4) The program develops a student success plan for the 21452  
student in the manner described in division (C)(1) of section 21453  
3313.6020 of the Revised Code that specifies the student's 21454  
matriculating to a two-year degree program, acquiring a business 21455  
and industry-recognized credential, or entering an apprenticeship. 21456

(5) The program provides counseling and support for the 21457  
student related to the plan developed under division (F)(4) of 21458  
this section during the remainder of the student's high school 21459  
experience. 21460

(6) The program requires the student and the student's 21461  
parent, guardian, or custodian to sign and file, in accordance 21462  
with procedural requirements stipulated by the program, a written 21463  
statement asserting the parent's, guardian's, or custodian's 21464  
consent to the student's graduating without completing the 21465  
requirements for graduation prescribed in division (C) of this 21466  
section and acknowledging that one consequence of not completing 21467  
those requirements is ineligibility to enroll in most state 21468  
universities in Ohio without further coursework. 21469

(7) Prior to receiving the waiver, the program has submitted 21470  
to the department an instructional plan that demonstrates how the 21471  
academic content standards adopted by the state board under 21472  
section 3301.079 of the Revised Code will be taught and assessed. 21473

(8) Prior to receiving the waiver, the program has submitted 21474  
to the department a policy on career advising that satisfies the 21475  
requirements of section 3313.6020 of the Revised Code, with an 21476  
emphasis on how every student will receive career advising. 21477

(9) Prior to receiving the waiver, the program has submitted 21478  
to the department a written agreement outlining the future 21479

cooperation between the program and any combination of local job 21480  
training, postsecondary education, nonprofit, and health and 21481  
social service organizations to provide services for students in 21482  
the program and their families. 21483

Divisions (F)(8) and (9) of this section apply only to 21484  
waivers granted on or after July 1, 2015. 21485

If the department does not act either to grant the waiver or 21486  
to reject the program application for the waiver within sixty days 21487  
as required under this section, the waiver shall be considered to 21488  
be granted. 21489

(G) Every high school may permit students below the ninth 21490  
grade to take advanced work. If a high school so permits, it shall 21491  
award high school credit for successful completion of the advanced 21492  
work and shall count such advanced work toward the graduation 21493  
requirements of division (B) or (C) of this section if the 21494  
advanced work was both: 21495

(1) Taught by a person who possesses a license or certificate 21496  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 21497  
Code that is valid for teaching high school; 21498

(2) Designated by the board of education of the city, local, 21499  
or exempted village school district, the board of the cooperative 21500  
education school district, or the governing authority of the 21501  
chartered nonpublic school as meeting the high school curriculum 21502  
requirements. 21503

Each high school shall record on the student's high school 21504  
transcript all high school credit awarded under division (G) of 21505  
this section. In addition, if the student completed a seventh- or 21506  
eighth-grade fine arts course described in division (K) of this 21507  
section and the course qualified for high school credit under that 21508  
division, the high school shall record that course on the 21509  
student's high school transcript. 21510

(H) The department shall make its individual academic career 21511  
plan available through its Ohio career information system web site 21512  
for districts and schools to use as a tool for communicating with 21513  
and providing guidance to students and families in selecting high 21514  
school courses. 21515

(I) A school district or chartered nonpublic school may 21516  
integrate academic content in a subject area for which the state 21517  
board has adopted standards under section 3301.079 of the Revised 21518  
Code into a course in a different subject area, including a 21519  
career-technical education course, in accordance with guidance for 21520  
integrated coursework developed by the department. Upon successful 21521  
completion of an integrated course, a student may receive credit 21522  
for both subject areas that were integrated into the course. Units 21523  
earned for subject area content delivered through integrated 21524  
academic and career-technical instruction are eligible to meet the 21525  
graduation requirements of division (B) or (C) of this section. 21526

For purposes of meeting graduation requirements, if an 21527  
end-of-course examination has been prescribed under section 21528  
3301.0712 of the Revised Code for the subject area delivered 21529  
through integrated instruction, the school district or school may 21530  
administer the related subject area examinations upon the 21531  
student's completion of the integrated course. 21532

Nothing in division (I) of this section shall be construed to 21533  
excuse any school district, chartered nonpublic school, or student 21534  
from any requirement in the Revised Code related to curriculum, 21535  
assessments, or the awarding of a high school diploma. 21536

(J)(1) The state board, in consultation with the chancellor, 21537  
shall adopt a statewide plan implementing methods for students to 21538  
earn units of high school credit based on a demonstration of 21539  
subject area competency, instead of or in combination with 21540  
completing hours of classroom instruction. The state board shall 21541  
adopt the plan not later than March 31, 2009, and commence phasing 21542

in the plan during the 2009-2010 school year. The plan shall 21543  
include a standard method for recording demonstrated proficiency 21544  
on high school transcripts. Each school district and community 21545  
school shall comply with the state board's plan adopted under this 21546  
division and award units of high school credit in accordance with 21547  
the plan. The state board may adopt existing methods for earning 21548  
high school credit based on a demonstration of subject area 21549  
competency as necessary prior to the 2009-2010 school year. 21550

(2) Not later than December 31, 2015, the state board shall 21551  
update the statewide plan adopted pursuant to division (J)(1) of 21552  
this section to also include methods for students enrolled in 21553  
seventh and eighth grade to meet curriculum requirements based on 21554  
a demonstration of subject area competency, instead of or in 21555  
combination with completing hours of classroom instruction. 21556  
Beginning with the 2017-2018 school year, each school district and 21557  
community school also shall comply with the updated plan adopted 21558  
pursuant to this division and permit students enrolled in seventh 21559  
and eighth grade to meet curriculum requirements based on subject 21560  
area competency in accordance with the plan. 21561

(3) Not later than December 31, 2017, the department shall 21562  
develop a framework for school districts and community schools to 21563  
use in granting units of high school credit to students who 21564  
demonstrate subject area competency through work-based learning 21565  
experiences, internships, or cooperative education. Beginning with 21566  
the 2018-2019 school year, each district and community school 21567  
shall comply with the framework. Each district and community 21568  
school also shall review any policy it has adopted regarding the 21569  
demonstration of subject area competency to identify ways to 21570  
incorporate work-based learning experiences, internships, and 21571  
cooperative education into the policy in order to increase student 21572  
engagement and opportunities to earn units of high school credit. 21573

(K) This division does not apply to students who qualify for 21574

graduation from high school under division (D) or (F) of this 21575  
section, or to students pursuing a career-technical instructional 21576  
track as determined by the school district board of education or 21577  
the chartered nonpublic school's governing authority. 21578  
Nevertheless, the general assembly encourages such students to 21579  
consider enrolling in a fine arts course as an elective. 21580

Beginning with students who enter ninth grade for the first 21581  
time on or after July 1, 2010, each student enrolled in a public 21582  
or chartered nonpublic high school shall complete two semesters or 21583  
the equivalent of fine arts to graduate from high school. The 21584  
coursework may be completed in any of grades seven to twelve. Each 21585  
student who completes a fine arts course in grade seven or eight 21586  
may elect to count that course toward the five units of electives 21587  
required for graduation under division (C)(8) of this section, if 21588  
the course satisfied the requirements of division (G) of this 21589  
section. In that case, the high school shall award the student 21590  
high school credit for the course and count the course toward the 21591  
five units required under division (C)(8) of this section. If the 21592  
course in grade seven or eight did not satisfy the requirements of 21593  
division (G) of this section, the high school shall not award the 21594  
student high school credit for the course but shall count the 21595  
course toward the two semesters or the equivalent of fine arts 21596  
required by this division. 21597

(L) Notwithstanding anything to the contrary in this section, 21598  
the board of education of each school district and the governing 21599  
authority of each chartered nonpublic school may adopt a policy to 21600  
excuse from the high school physical education requirement each 21601  
student who, during high school, has participated in 21602  
interscholastic athletics, marching band, show choir, or 21603  
cheerleading for at least two full seasons or in the junior 21604  
reserve officer training corps for at least two full school years. 21605  
If the board or authority adopts such a policy, the board or 21606

authority shall not require the student to complete any physical 21607  
education course as a condition to graduate. However, the student 21608  
shall be required to complete one-half unit, consisting of at 21609  
least sixty hours of instruction, in another course of study. In 21610  
the case of a student who has participated in the junior reserve 21611  
officer training corps for at least two full school years, credit 21612  
received for that participation may be used to satisfy the 21613  
requirement to complete one-half unit in another course of study. 21614

(M) It is important that high school students learn and 21615  
understand United States history and the governments of both the 21616  
United States and the state of Ohio. Therefore, beginning with 21617  
students who enter ninth grade for the first time on or after July 21618  
1, 2012, the study of American history and American government 21619  
required by divisions (B)(6) and (C)(6) of this section shall 21620  
include the study of all of the following documents: 21621

(1) The Declaration of Independence; 21622

(2) The Northwest Ordinance; 21623

(3) The Constitution of the United States with emphasis on 21624  
the Bill of Rights; 21625

(4) The Ohio Constitution. 21626

The study of each of the documents prescribed in divisions 21627  
(M)(1) to (4) of this section shall include study of that document 21628  
in its original context. 21629

The study of American history and government required by 21630  
divisions (B)(6) and (C)(6) of this section shall include the 21631  
historical evidence of the role of documents such as the 21632  
Federalist Papers and the Anti-Federalist Papers to firmly 21633  
establish the historical background leading to the establishment 21634  
of the provisions of the Constitution and Bill of Rights. 21635

(N) A student may apply one unit of instruction in computer 21636

science to satisfy one unit of mathematics or one unit of science 21637  
under division (C) of this section as the student chooses, 21638  
regardless of the field of certification of the teacher who 21639  
teaches the course, so long as that teacher meets the licensure 21640  
requirements prescribed by section 3319.236 of the Revised Code 21641  
and, prior to teaching the course, completes a professional 21642  
development program determined to be appropriate by the district 21643  
board. 21644

If a student applies more than one computer science course to 21645  
satisfy curriculum requirements under that division, the courses 21646  
shall be sequential and progressively more difficult or cover 21647  
different subject areas within computer science. 21648

**Sec. 3313.608.** (A)(1) Beginning with students who enter third 21649  
grade in the school year that starts July 1, 2009, and until June 21650  
30, 2013, unless the student is excused under division (C) of 21651  
section 3301.0711 of the Revised Code from taking the assessment 21652  
described in this section, for any student who does not attain at 21653  
least the equivalent level of achievement designated under 21654  
division (A)(3) of section 3301.0710 of the Revised Code on the 21655  
assessment prescribed under that section to measure skill in 21656  
English language arts expected at the end of third grade, each 21657  
school district, in accordance with the policy adopted under 21658  
section 3313.609 of the Revised Code, shall do one of the 21659  
following: 21660

(a) Promote the student to fourth grade if the student's 21661  
principal and reading teacher agree that other evaluations of the 21662  
student's skill in reading demonstrate that the student is 21663  
academically prepared to be promoted to fourth grade; 21664

(b) Promote the student to fourth grade but provide the 21665  
student with intensive intervention services in fourth grade; 21666

(c) Retain the student in third grade. 21667

(2) Beginning with students who enter third grade in the 2013-2014 school year, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, unless one of the following applies:

(a) The student is an English learner who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program.

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has

received intensive remediation in reading for two school years but 21699  
still demonstrates a deficiency in reading. 21700

(iv) The student previously was retained in any of grades 21701  
kindergarten to three. 21702

(e)(i) The student received intensive remediation for reading 21703  
for two school years but still demonstrates a deficiency in 21704  
reading and was previously retained in any of grades kindergarten 21705  
to three. 21706

(ii) A student who is promoted under division (A)(2)(e)(i) of 21707  
this section shall continue to receive intensive reading 21708  
instruction in grade four. The instruction shall include an 21709  
altered instructional day that includes specialized diagnostic 21710  
information and specific research-based reading strategies for the 21711  
student that have been successful in improving reading among 21712  
low-performing readers. 21713

~~(B)(1)~~(B)(1)(a) Beginning in the 2012-2013 school year, to 21714  
assist students in meeting the third grade guarantee established 21715  
by this section, each school district board of education shall 21716  
adopt policies and procedures with which it annually shall assess 21717  
the reading skills of each student, except those students with 21718  
significant cognitive disabilities or other disabilities as 21719  
authorized by the department on a case-by-case basis, enrolled in 21720  
kindergarten to third grade and shall identify students who are 21721  
reading below their grade level. The reading skills assessment 21722  
shall be completed by the thirtieth day of September for students 21723  
in grades one to three, and by the ~~first day of November~~ twentieth  
day of instruction of the school year for students in 21724  
kindergarten. Each district shall use the diagnostic assessment to 21726  
measure reading ability for the appropriate grade level adopted 21727  
under section 3301.079 of the Revised Code, or a comparable tool 21728  
approved by the department of education, to identify such 21729  
students. ~~The~~ 21730

(b) The policies and procedures shall require the students' 21731  
classroom teachers to be involved in the assessment and the 21732  
identification of students reading below grade level. The 21733  
assessment may be administered electronically using live, two-way 21734  
video and audio connections whereby the teacher administering the 21735  
assessment may be in a separate location from the student. 21736

(c) Except for the kindergarten readiness assessment 21737  
described in section 3301.0715 of the Revised Code, any comparable 21738  
tool approved by the department for grades kindergarten through 21739  
three shall include a sufficient number of items related to 21740  
phonological awareness, phonemic awareness, rapid naming skills, 21741  
nonsense word fluency, and correspondence between sounds and 21742  
letters to identify students who may need further measures to 21743  
determine if the students have dyslexia, as defined in section 21744  
3319.80 of the Revised Code. 21745

(d) For each comparable tool approved under this section, the 21746  
department shall require that the test vendor share information 21747  
with the school regarding student performance on identification 21748  
items related to dyslexia as described under division (B)(1)(c) of 21749  
this section. The department also shall require the vendor to 21750  
provide a summary of such information to the department, in the 21751  
manner prescribed by the department. 21752

(2) For each student identified by the diagnostic assessment 21753  
prescribed under this section as having reading skills below grade 21754  
level, the district shall do both of the following: 21755

(a) Provide to the student's parent or guardian, in writing, 21756  
all of the following: 21757

(i) Notification that the student has been identified as 21758  
having a substantial deficiency in reading; 21759

(ii) A description of the current services that are provided 21760  
to the student; 21761

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

(iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:

(i) Small group instruction;	21794
(ii) Reduced teacher-student ratios;	21795
(iii) More frequent progress monitoring;	21796
(iv) Tutoring or mentoring;	21797
(v) Transition classes containing third and fourth grade students;	21798 21799
(vi) Extended school day, week, or year;	21800
(vii) Summer reading camps.	21801
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	21802 21803 21804
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	21805 21806
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	21807 21808 21809 21810 21811 21812 21813 21814
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	21815 21816 21817 21818 21819
As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.	21820 21821
<u>(5) Any tool approved by the department under division (B) of</u>	21822

this section, other than the kindergarten readiness assessment, 21823  
may be used to meet the requirement to administer a tier one 21824  
dyslexia screening under section 3323.251 of the Revised Code. 21825

(C) For each student required to be provided intervention 21826  
services under this section, the district shall develop a reading 21827  
improvement and monitoring plan within sixty days after receiving 21828  
the student's results on the diagnostic assessment or comparable 21829  
tool administered under division (B)(1) of this section. The 21830  
district shall involve the student's parent or guardian and 21831  
classroom teacher in developing the plan. The plan shall include 21832  
all of the following: 21833

(1) Identification of the student's specific reading 21834  
deficiencies; 21835

(2) A description of the additional instructional services 21836  
and support that will be provided to the student to remediate the 21837  
identified reading deficiencies; 21838

(3) Opportunities for the student's parent or guardian to be 21839  
involved in the instructional services and support described in 21840  
division (C)(2) of this section; 21841

(4) A process for monitoring the extent to which the student 21842  
receives the instructional services and support described in 21843  
division (C)(2) of this section; 21844

(5) A reading curriculum during regular school hours that 21845  
does all of the following: 21846

(a) Assists students to read at grade level; 21847

(b) Provides scientifically based and reliable assessment; 21848

(c) Provides initial and ongoing analysis of each student's 21849  
reading progress. 21850

(6) A statement that if the student does not attain at least 21851  
the equivalent level of achievement designated under division 21852

(A)(3) of section 3301.0710 of the Revised Code on the assessment 21853  
prescribed under that section to measure skill in English language 21854  
arts expected by the end of third grade, the student may be 21855  
retained in third grade. 21856

Each student with a reading improvement and monitoring plan 21857  
under this division who enters third grade after July 1, 2013, 21858  
shall be assigned to a teacher who satisfies one or more of the 21859  
criteria set forth in division (H) of this section. 21860

The district shall report any information requested by the 21861  
department about the reading improvement monitoring plans 21862  
developed under this division in the manner required by the 21863  
department. 21864

(D) Each school district shall report annually to the 21865  
department on its implementation and compliance with this section 21866  
using guidelines prescribed by the superintendent of public 21867  
instruction. The superintendent of public instruction annually 21868  
shall report to the governor and general assembly the number and 21869  
percentage of students in grades kindergarten through four reading 21870  
below grade level based on the diagnostic assessments administered 21871  
under division (B) of this section and the achievement assessments 21872  
administered under divisions (A)(1)(a) and (b) of section 21873  
3301.0710 of the Revised Code in English language arts, aggregated 21874  
by school district and building; the types of intervention 21875  
services provided to students; and, if available, an evaluation of 21876  
the efficacy of the intervention services provided. 21877

(E) Any summer remediation services funded in whole or in 21878  
part by the state and offered by school districts to students 21879  
under this section shall meet the following conditions: 21880

(1) The remediation methods are based on reliable educational 21881  
research. 21882

(2) The school districts conduct assessment before and after 21883

students participate in the program to facilitate monitoring 21884  
results of the remediation services. 21885

(3) The parents of participating students are involved in 21886  
programming decisions. 21887

(F) Any intervention or remediation services required by this 21888  
section shall include intensive, explicit, and systematic 21889  
instruction. 21890

(G) This section does not create a new cause of action or a 21891  
substantive legal right for any person. 21892

(H)(1) Except as provided under divisions (H)(2), (3), and 21893  
(4) of this section, each student described in division (B)(3) or 21894  
(C) of this section who enters third grade for the first time on 21895  
or after July 1, 2013, shall be assigned a teacher who has at 21896  
least one year of teaching experience and who satisfies one or 21897  
more of the following criteria: 21898

(a) The teacher holds a reading endorsement on the teacher's 21899  
license and has attained a passing score on the corresponding 21900  
assessment for that endorsement, as applicable. 21901

(b) The teacher has completed a master's degree program with 21902  
a major in reading. 21903

(c) The teacher was rated "most effective" for reading 21904  
instruction consecutively for the most recent two years based on 21905  
assessments of student growth measures developed by a vendor and 21906  
that is on the list of student assessments approved by the state 21907  
board under division (B)(2) of section 3319.112 of the Revised 21908  
Code. 21909

(d) The teacher was rated "above expected value added," in 21910  
reading instruction, as determined by criteria established by the 21911  
department, for the most recent, consecutive two years. 21912

(e) The teacher has earned a passing score on a rigorous test 21913

of principles of scientifically research-based reading instruction 21914  
as approved by the state board. 21915

(f) The teacher holds an educator license for teaching grades 21916  
pre-kindergarten through three or four through nine issued on or 21917  
after July 1, 2017. 21918

(2) Notwithstanding division (H)(1) of this section, a 21919  
student described in division (B)(3) or (C) of this section who 21920  
enters third grade for the first time on or after July 1, 2013, 21921  
may be assigned to a teacher with less than one year of teaching 21922  
experience provided that the teacher meets one or more of the 21923  
criteria described in divisions (H)(1)(a) to (f) of this section 21924  
and that teacher is assigned a teacher mentor who meets the 21925  
qualifications of division (H)(1) of this section. 21926

(3) Notwithstanding division (H)(1) of this section, a 21927  
student described in division (B)(3) or (C) of this section who 21928  
enters third grade for the first time on or after July 1, 2013, 21929  
but prior to July 1, 2016, may be assigned to a teacher who holds 21930  
an alternative credential approved by the department or who has 21931  
successfully completed training that is based on principles of 21932  
scientifically research-based reading instruction that has been 21933  
approved by the department. Beginning on July 1, 2014, the 21934  
alternative credentials and training described in division (H)(3) 21935  
of this section shall be aligned with the reading competencies 21936  
adopted by the state board of education under section 3301.077 of 21937  
the Revised Code. 21938

(4) Notwithstanding division (H)(1) of this section, a 21939  
student described in division (B)(3) or (C) of this section who 21940  
enters third grade for the first time on or after July 1, 2013, 21941  
may receive reading intervention or remediation services under 21942  
this section from an individual employed as a speech-language 21943  
pathologist who holds a license issued by the state speech and 21944  
hearing professionals board under Chapter 4753. of the Revised 21945

Code and a professional pupil services license as a school 21946  
speech-language pathologist issued by the state board of 21947  
education. 21948

(5) A teacher, other than a student's teacher of record, may 21949  
provide any services required under this section, so long as that 21950  
other teacher meets the requirements of division (H) of this 21951  
section and the teacher of record and the school principal agree 21952  
to the assignment. Any such assignment shall be documented in the 21953  
student's reading improvement and monitoring plan. 21954

As used in this division, "teacher of record" means the 21955  
classroom teacher to whom a student is assigned. 21956

(I) Notwithstanding division (H) of this section, a teacher 21957  
may teach reading to any student who is an English language 21958  
learner, and has been in the United States for three years or 21959  
less, or to a student who has an individualized education program 21960  
developed under Chapter 3323. of the Revised Code if that teacher 21961  
holds an alternative credential approved by the department or has 21962  
successfully completed training that is based on principles of 21963  
scientifically research-based reading instruction that has been 21964  
approved by the department. Beginning on July 1, 2014, the 21965  
alternative credentials and training described in this division 21966  
shall be aligned with the reading competencies adopted by the 21967  
state board of education under section 3301.077 of the Revised 21968  
Code. 21969

(J) If, on or after June 4, 2013, a school district or 21970  
community school cannot furnish the number of teachers needed who 21971  
satisfy one or more of the criteria set forth in division (H) of 21972  
this section for the 2013-2014 school year, the school district or 21973  
community school shall develop and submit a staffing plan by June 21974  
30, 2013. The staffing plan shall include criteria that will be 21975  
used to assign a student described in division (B)(3) or (C) of 21976  
this section to a teacher, credentials or training held by 21977

teachers currently teaching at the school, and how the school 21978  
district or community school will meet the requirements of this 21979  
section. The school district or community school shall post the 21980  
staffing plan on its web site for the applicable school year. 21981

Not later than March 1, 2014, and on the first day of March 21982  
in each year thereafter, a school district or community school 21983  
that has submitted a plan under this division shall submit to the 21984  
department a detailed report of the progress the district or 21985  
school has made in meeting the requirements under this section. 21986

A school district or community school may request an 21987  
extension of a staffing plan beyond the 2013-2014 school year. 21988  
Extension requests must be submitted to the department not later 21989  
than the thirtieth day of April prior to the start of the 21990  
applicable school year. The department may grant extensions valid 21991  
through the 2015-2016 school year. 21992

Until June 30, 2015, the department annually shall review all 21993  
staffing plans and report to the state board not later than the 21994  
thirtieth day of June of each year the progress of school 21995  
districts and community schools in meeting the requirements of 21996  
this section. 21997

(K) The department of education shall designate one or more 21998  
staff members to provide guidance and assistance to school 21999  
districts and community schools in implementing the third grade 22000  
guarantee established by this section, including any standards or 22001  
requirements adopted to implement the guarantee and to provide 22002  
information and support for reading instruction and achievement. 22003

**Sec. 3313.6026.** (A) As used in this section, "school 22004  
governing authority" means any of the following: 22005

(1) The governing authority of a community school established 22006  
under Chapter 3314. of the Revised Code; 22007

(2) The governing body of a STEM school established under Chapter 3326. of the Revised Code; 22008  
22009

(3) The board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code; 22010  
22011

(4) The governing authority of a chartered nonpublic school. 22012

(B) Each school district board of education and each school governing authority that operates a high school shall enter into a data sharing agreement with the chancellor of higher education for the purposes of operating the free application for federal student aid data system established under section 3333.301 of the Revised Code. Each school district or school shall provide principals and school counselors with access to the data system to assist with efforts to support and encourage students to complete the free application for federal student aid form. 22013  
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**Sec. 3313.61.** (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply: 22022  
22023  
22024  
22025

(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that no school district shall require a student to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early; 22026  
22027  
22028  
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(2) Subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable. 22034  
22035  
22036

(a) If the person entered the ninth grade prior to July 1, 22037

2014, the person either: 22038

(i) Has attained at least the applicable scores designated 22039  
under division (B)(1) of section 3301.0710 of the Revised Code on 22040  
all the assessments required by that division unless the person 22041  
was excused from taking any such assessment pursuant to section 22042  
3313.532 of the Revised Code or unless division (H) or (L) of this 22043  
section applies to the person; 22044

(ii) Has satisfied the alternative conditions prescribed in 22045  
section 3313.615 of the Revised Code. 22046

(b) If the person entered the ninth grade on or after July 1, 22047  
2014, the person has met the requirement prescribed by section 22048  
3313.618 of the Revised Code, except to the extent that the person 22049  
is excused from an assessment prescribed by that section pursuant 22050  
to section 3313.532 of the Revised Code or division (H) or (L) of 22051  
this section. 22052

(3) The person is not eligible to receive an honors diploma 22053  
granted pursuant to division (B) of this section. 22054

Except as provided in divisions (C), (E), (J), and (L) of 22055  
this section, no diploma shall be granted under this division to 22056  
anyone except as provided under this division. 22057

(B) In lieu of a diploma granted under division (A) of this 22058  
section, an honors diploma shall be granted, in accordance with 22059  
rules of the state board, by any such district board to anyone who 22060  
accomplishes all of the following: 22061

(1) Successfully completes the curriculum in any high school 22062  
or the individualized education program developed for the person 22063  
by any high school pursuant to section 3323.08 of the Revised 22064  
Code; 22065

(2) Subject to section 3313.614 of the Revised Code, has met 22066  
the assessment requirements of division (B)(2)(a) or (b) of this 22067

section, as applicable. 22068

(a) If the person entered the ninth grade prior to July 1, 2014, the person either: 22069

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division; 22070

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 22071

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed under section 3313.618 of the Revised Code. 22072

(3) Has met additional criteria established by the state board for the granting of such a diploma. 22073

An honors diploma shall not be granted to a student who is subject to the requirements prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division. 22074

The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the granting of an honors diploma recognizing technical expertise for a career-technical student. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this division and the number of such criteria that must be met for the granting of that type of 22075

diploma. The number of such criteria for any type of honors 22099  
diploma shall be at least one less than the total number of 22100  
criteria designated for that type and no one or more particular 22101  
criteria shall be required of all persons who are to be granted 22102  
that type of diploma. 22103

(C) Any district board administering any of the assessments 22104  
required by section 3301.0710 of the Revised Code to any person 22105  
requesting to take such assessment pursuant to division (B)(8)(b) 22106  
of section 3301.0711 of the Revised Code shall award a diploma to 22107  
such person if the person attains at least the applicable scores 22108  
designated under division (B)(1) of section 3301.0710 of the 22109  
Revised Code on all the assessments administered and if the person 22110  
has previously attained the applicable scores on all the other 22111  
assessments required by division (B)(1) of that section or has 22112  
been exempted or excused from attaining the applicable score on 22113  
any such assessment pursuant to division (H) or (L) of this 22114  
section or from taking any such assessment pursuant to section 22115  
3313.532 of the Revised Code. 22116

(D) Each diploma awarded under this section shall be signed 22117  
by the president and treasurer of the issuing board, the 22118  
superintendent of schools, and the principal of the high school. 22119  
Each diploma shall bear the date of its issue, be in such form as 22120  
the district board prescribes, and be paid for out of the 22121  
district's general fund. 22122

(E) A person who is a resident of Ohio and is eligible under 22123  
state board of education minimum standards to receive a high 22124  
school diploma based in whole or in part on credits earned while 22125  
an inmate of a correctional institution operated by the state or 22126  
any political subdivision thereof, shall be granted such diploma 22127  
by the correctional institution operating the programs in which 22128  
such credits were earned, and by the board of education of the 22129  
school district in which the inmate resided immediately prior to 22130

the inmate's placement in the institution. The diploma granted by 22131  
the correctional institution shall be signed by the director of 22132  
the institution, and by the person serving as principal of the 22133  
institution's high school and shall bear the date of issue. 22134

(F) Persons who are not residents of Ohio but who are inmates 22135  
of correctional institutions operated by the state or any 22136  
political subdivision thereof, and who are eligible under state 22137  
board of education minimum standards to receive a high school 22138  
diploma based in whole or in part on credits earned while an 22139  
inmate of the correctional institution, shall be granted a diploma 22140  
by the correctional institution offering the program in which the 22141  
credits were earned. The diploma granted by the correctional 22142  
institution shall be signed by the director of the institution and 22143  
by the person serving as principal of the institution's high 22144  
school and shall bear the date of issue. 22145

(G) The state board of education shall provide by rule for 22146  
the administration of the assessments required by sections 22147  
3301.0710 and 3301.0712 of the Revised Code to inmates of 22148  
correctional institutions. 22149

(H) Any person to whom all of the following apply shall be 22150  
exempted from attaining the applicable score on the assessment in 22151  
social studies designated under division (B)(1) of section 22152  
3301.0710 of the Revised Code, any American history end-of-course 22153  
examination and any American government end-of-course examination 22154  
required under division (B) of section 3301.0712 of the Revised 22155  
Code if such an exemption is prescribed by rule of the state board 22156  
under division (D)(3) of section 3301.0712 of the Revised Code, or 22157  
the test in citizenship designated under former division (B) of 22158  
section 3301.0710 of the Revised Code as it existed prior to 22159  
September 11, 2001: 22160

(1) The person is not a citizen of the United States; 22161

(2) The person is not a permanent resident of the United States; 22162  
22163

(3) The person indicates no intention to reside in the United States after the completion of high school. 22164  
22165

(I) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and section 3313.611 of the Revised Code do not apply to the board of education of any joint vocational school district or any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code. 22166  
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(J) Upon receipt of a notice under division (D) of section 3325.08 or division (D) of section 3328.25 of the Revised Code that a student has received a diploma under either section, the board of education receiving the notice may grant a high school diploma under this section to the student, except that such board shall grant the student a diploma if the student meets the graduation requirements that the student would otherwise have had to meet to receive a diploma from the district. The diploma granted under this section shall be of the same type the notice indicates the student received under section 3325.08 or 3328.25 of the Revised Code. 22172  
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(K) As used in this division, "English learner" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code. 22183  
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Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section. 22186  
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~~(L)(1)~~ Any student described by division (A)(1) of this section who is subject to divisions (A)(1) to (3) of section 3313.618 of the Revised Code may be awarded a diploma without meeting the ~~requirement~~ requirements prescribed by ~~section 3313.618~~ of the Revised Code those divisions provided an individualized education program specifically exempts the student from meeting such requirement. This division does not negate the requirement for a student to take the assessments prescribed by section 3301.0710 or under division (B) of section 3301.0712 of the Revised Code, or alternate assessments required by division (C)(1) of section 3301.0711 of the Revised Code, for the purpose of assessing student progress as required by federal law.

(2) Any student described by division (A)(1) of this section who is subject to division (B) of section 3313.618 of the Revised Code may be awarded a diploma without meeting the requirement prescribed by division (B)(1) of that section provided the student's individualized education program specifically exempts the student from meeting that requirement and either division (L)(2)(a) or (b) of this section applies to the student, as follows:

(a)(i) The student took an alternate assessment in mathematics and English language arts administered to the student in accordance with division (C)(1) of section 3301.0711 of the Revised Code and failed to attain a score established by the state board on one or both assessments.

(ii) The school district offered remedial support to the student in each subject area in which the student did not attain the established score and the student received that support.

(iii) The student retook each alternate assessment in which the student did not attain the established score and the student did not attain the established score on the retake assessment.

(b)(i) The student took the Algebra I and English language arts II end-of-course examinations and failed to attain the competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on one or both examinations. 22224  
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(ii) The school district offered remedial support to the student in each subject area in which the student did not attain the competency score and the student received that support. 22228  
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(iii) The student retook each examination in which the student did not attain the competency score and the student did not attain the competency score on the retake examination. 22231  
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**Sec. 3313.618.** (A) In addition to the curriculum requirements specified by the board of education of a school district or governing authority of a chartered nonpublic school, each student entering ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2019, shall satisfy at least one of the following conditions or the conditions prescribed under division (B) of this section in order to qualify for a high school diploma: 22234  
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(1) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on each of the nationally standardized assessments in English, mathematics, and reading; 22242  
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(2) Attain a score specified under division (B)(5)(c) of section 3301.0712 of the Revised Code on the end-of-course examinations prescribed under division (B) of section 3301.0712 of the Revised Code. 22246  
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(3) Attain a score that demonstrates workforce readiness and employability on a nationally recognized job skills assessment selected by the state board of education under division (G) of section 3301.0712 of the Revised Code and obtain either an 22250  
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industry-recognized credential or a license issued by a state 22254  
agency or board for practice in a vocation that requires an 22255  
examination for issuance of that license. 22256

For the purposes of this division, the industry-recognized 22257  
credentials and licenses shall be as approved under section 22258  
3313.6113 of the Revised Code. 22259

A student may choose to qualify for a high school diploma by 22260  
satisfying any of the separate requirements prescribed by 22261  
divisions (A)(1) to (3) of this section. If the student's school 22262  
district or school does not administer the examination prescribed 22263  
by one of those divisions that the student chooses to take to 22264  
satisfy the requirements of this section, the school district or 22265  
school may require that student to arrange for the applicable 22266  
scores to be sent directly to the district or school by the 22267  
company or organization that administers the examination. 22268

(B) In addition to the curriculum requirements specified by 22269  
the district board or school governing authority, each student 22270  
entering ninth grade for the first time on or after July 1, 2019, 22271  
shall satisfy the following conditions in order to qualify for a 22272  
high school diploma: 22273

(1) ~~Attain~~ Except as otherwise provided in division (D) of 22274  
this section, attain a competency score as determined under 22275  
division (B)(10) of section 3301.0712 of the Revised Code on each 22276  
of the Algebra I and English language arts II end-of-course 22277  
examinations prescribed under division (B)(2) of section 3301.0712 22278  
of the Revised Code. 22279

School districts and chartered nonpublic schools shall offer 22280  
remedial support to any student who fails to attain a competency 22281  
score on one or both of the Algebra I and English language arts II 22282  
end-of-course examinations. 22283

Following the first administration of the exam, if a student 22284

fails to attain a competency score on one or both of the Algebra I 22285  
and English language arts II end-of-course examinations that 22286  
student must retake the respective examination at least once. 22287

If a student fails to attain a competency score on a retake 22288  
examination, the student may demonstrate competency in the failed 22289  
subject area through one of the following options: 22290

(a) Earn course credit taken through the college credit plus 22291  
program established under Chapter 3365. of the Revised Code in the 22292  
failed subject area; 22293

(b) Complete two of the following options, one of which must 22294  
be foundational: 22295

(i) Foundational options to demonstrate competency, which 22296  
include earning a cumulative score of proficient or higher on 22297  
three or more state technical assessments aligned with section 22298  
3313.903 of the Revised Code in a single career pathway, obtaining 22299  
an industry-recognized credential, or group of credentials, 22300  
approved under section 3313.6113 of the Revised Code that is at 22301  
least equal to the total number of points established under that 22302  
section to qualify for a high school diploma, obtaining a license 22303  
approved under section 3313.6113 of the Revised Code that is 22304  
issued by a state agency or board for practice in a vocation that 22305  
requires an examination for issuance of that license, completing a 22306  
pre-apprenticeship ~~or~~ aligned with options established under 22307  
section 3313.904 of the Revised Code in the student's chosen 22308  
career field, completing an apprenticeship registered with the 22309  
apprenticeship council established under section 4139.02 of the 22310  
Revised Code in the student's chosen career field, or providing 22311  
evidence of acceptance into an apprenticeship program after high 22312  
school that is restricted to participants eighteen years of age or 22313  
older; 22314

(ii) Supporting options to demonstrate competency, which 22315

include completing two hundred fifty hours of a work-based 22316  
learning experience with evidence of positive evaluations, 22317  
obtaining an OhioMeansJobs-readiness seal under section 3313.6112 22318  
of the Revised Code, or attaining a workforce readiness score, as 22319  
determined by the department of education, on the nationally 22320  
recognized job skills assessment selected by the state board under 22321  
division (G) of section 3301.0712 of the Revised Code. 22322

(c) Provide evidence that the student has enlisted in a 22323  
branch of the armed services of the United States as defined in 22324  
section 5910.01 of the Revised Code. 22325

(d) Be remediation-free, in accordance with standards adopted 22326  
under division (F) of section 3345.061 of the Revised Code, in the 22327  
failed subject area on a nationally standardized assessment 22328  
prescribed under division (B)(1) of section 3301.0712 of the 22329  
Revised Code. For English language arts II, a student must be 22330  
remediation-free in the subjects of English and reading on the 22331  
nationally standardized assessment. 22332

~~For~~ Subject to division (L)(2) of section 3313.61 of the 22333  
Revised Code, for any students receiving special education and 22334  
related services under Chapter 3323. of the Revised Code, the 22335  
individualized education program developed for the student under 22336  
that chapter shall specify the manner in which the student will 22337  
participate in the assessments administered under this division or 22338  
an alternate assessment in accordance with division (C)(1) of 22339  
section 3301.0711 of the Revised Code. 22340

(2) Earn at least two of the state diploma seals prescribed 22341  
under division (A) of section 3313.6114 of the Revised Code, at 22342  
least one of which shall be any of the following: 22343

(a) The state seal of biliteracy established under section 22344  
3313.6111 of the Revised Code; 22345

(b) The OhioMeansJobs-readiness seal established under 22346

section 3313.6112 of the Revised Code; 22347

(c) One of the state diploma seals established under 22348  
divisions (C)(1) to (7) of section 3313.6114 of the Revised Code. 22349

(3) Provide evidence of having completed and submitted the 22350  
free application for federal student aid, unless either of the 22351  
following apply: 22352

(a) The student's parent or guardian has submitted a written 22353  
letter, in a manner prescribed by the department, to the district 22354  
or school stating that the student will not complete and submit 22355  
the free application for federal student aid. 22356

(b) The district or school has made a record, in a manner 22357  
prescribed by the department, describing circumstances that exist 22358  
which make it impossible or impracticable for the student to 22359  
complete the free application for federal student aid. 22360

(C) A student who transfers into an Ohio public or chartered 22361  
nonpublic high school from another state or enrolls in such a high 22362  
school after receiving home instruction or attending a 22363  
nonchartered, nontax-supported school in the previous school year 22364  
shall meet the requirements of division (B) of this section in 22365  
order to qualify for a high school diploma under that division. 22366  
However, any such student who transfers or enrolls after the start 22367  
of the student's twelfth grade year and fails to attain a 22368  
competency score on the Algebra I or English language arts II 22369  
end-of-course examination shall not be required to retake the 22370  
applicable examination prior to demonstrating competency in the 22371  
failed subject area under the options prescribed in divisions 22372  
(B)(1)(a) to (d) of this section. 22373

(D) A chartered nonpublic school student subject to division 22374  
(L)(3)(a)(ii) of section 3301.0711 of the Revised Code shall be 22375  
considered to have demonstrated competency for the purposes of 22376  
division (B)(1) of this section if the student earns a 22377

remediation-free score in the areas of English, mathematics, and reading, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. No such student shall be required to take the Algebra I or English language arts II end-of-course examination under this section.

(E) The state board of education shall not create or require any additional assessment for the granting of any type of high school diploma other than as prescribed by this section. Except as provided in sections 3313.6111, 3313.6112, and 3313.6114 of the Revised Code, the state board or the superintendent of public instruction shall not create any endorsement or designation that may be affiliated with a high school diploma.

**Sec. 3313.619.** (A) In lieu of the ~~requirement~~ assessment requirements prescribed by division (A) of section 3313.618 of the Revised Code or the requirements to demonstrate competency and earn diploma seals prescribed by division (B) of that section, a chartered nonpublic school may grant a high school diploma to a student who attains at least the designated score on an assessment approved by the department of education under division (B) of this section and selected by the school's governing authority. Nothing in this section waives the requirement for a student to complete the free application for federal student aid as required under division (B)(3) of section 3313.618 of the Revised Code, except as provided for in that division.

(B) For purposes of division (A) of this section, the department shall approve assessments that meet the conditions specified under division (C) of this section and shall designate passing scores for each of those assessments.

(C) Each assessment approved under division (B) of this

section shall be nationally norm-referenced, have internal 22409  
consistency reliability coefficients of at least "0.8," be 22410  
standardized, have specific evidence of content, concurrent, or 22411  
criterion validity, have evidence of norming studies in the 22412  
previous ten years, have a measure of student achievement in core 22413  
academic areas, and have high validity evidenced by the alignment 22414  
of the assessment with nationally recognized content. 22415

(D) Nothing in this section shall prohibit a chartered 22416  
nonpublic school from granting a high school diploma to a student 22417  
if the student satisfies the ~~requirement~~ applicable requirements 22418  
prescribed by section 3313.618 of the Revised Code. 22419

**Sec. 3313.6113.** (A) The superintendent of public instruction, 22420  
in collaboration with the governor's office of workforce 22421  
transformation and representatives of business organizations, 22422  
shall establish a committee to develop a list of 22423  
industry-recognized credentials and licenses that may be used to 22424  
qualify for a high school diploma under ~~division (A)(3) of~~ section 22425  
3313.618 of the Revised Code and shall be used for state report 22426  
card purposes under section 3302.03 of the Revised Code. The state 22427  
superintendent shall appoint the members of the committee not 22428  
later than January 1, 2018. 22429

(B) The committee shall do the following: 22430

(1) Establish criteria for acceptable industry-recognized 22431  
credentials and licenses aligned with the in-demand jobs list 22432  
published by the department of job and family services; 22433

(2) Review the list of industry-recognized credentials and 22434  
licenses that was in existence on January 1, 2018, and update the 22435  
list as it considers necessary; 22436

(3) Review and update the list of industry-recognized 22437  
credentials and licenses at least biennially; 22438

(4) Assign a point value for each industry-recognized credential and establish the total number of points for industry-recognized credentials that a student must earn to qualify for a high school diploma under sections 3313.618 and 3313.6114 of the Revised Code. 22439  
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(C) For the purposes of calculating the percentage of students prescribed under divisions (B)(2)(d) and (C)(2)(e) of section 3302.03 of the Revised Code, the department of education shall include only those students who earn an industry-recognized credential, or group of credentials, at least equal to the total number of points established by the committee under this section to qualify for a high school diploma. 22444  
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**Sec. 3313.6114.** (A) The state board of education shall 22451  
establish a system of state diploma seals for the purposes of 22452  
allowing a student to qualify for graduation under section 22453  
3313.618 of the Revised Code. State diploma seals may be attached 22454  
or affixed to the high school diploma of a student enrolled in a 22455  
public or chartered nonpublic school. The system of state diploma 22456  
seals shall consist of all of the following: 22457

(1) The state seal of biliteracy established under section 22458  
3313.6111 of the Revised Code; 22459

(2) The OhioMeansJobs-readiness seal established under 22460  
section 3313.6112 of the Revised Code; 22461

(3) The state diploma seals prescribed under division (C) of 22462  
this section. 22463

(B) A school district, community school established under 22464  
Chapter 3314. of the Revised Code, STEM school established under 22465  
Chapter 3326. of the Revised Code, college-preparatory boarding 22466  
school established under Chapter 3328. of the Revised Code, or 22467  
chartered nonpublic school shall attach or affix the state seals 22468

prescribed under division (C) of this section to the diploma and transcript of a student enrolled in the district or school who meets the requirements established under that division.

(C) The state board shall establish all of the following state diploma seals:

(1) An industry-recognized credential seal. A student shall meet the requirement for this seal by ~~earning~~ doing either of the following:

(a) Earning an industry-recognized credential, or group of credentials, approved under section 3313.6113 of the Revised Code that is ~~aligned~~ both of the following:

(i) At least equal to the total number of points established under section 3313.6113 of the Revised Code to qualify for a high school diploma;

(ii) Aligned to a job that is determined to be in demand in this state and its regions under section 6301.11 of the Revised Code.

(b) Obtaining a license approved under section 3313.6113 of the Revised Code that is issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.

(2) A college-ready seal. A student shall meet the requirement for this seal by attaining a score that is remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(3) A military enlistment seal. A student shall meet the requirement for this seal by doing either of the following:

(a) Providing evidence that the student has enlisted in a

branch of the armed services of the United States as defined in 22499  
section 5910.01 of the Revised Code; 22500

(b) Participating in a junior reserve officer training 22501  
program approved by the congress of the United States under title 22502  
10 of the United States Code. 22503

(4) A citizenship seal. A student shall meet the requirement 22504  
for this seal by doing any of the following: 22505

(a) Demonstrating at least a proficient level of skill as 22506  
prescribed under division (B)(5)(a) of section 3301.0712 of the 22507  
Revised Code on both the American history and American government 22508  
end-of-course examinations prescribed under division (B)(2) of 22509  
section 3301.0712 of the Revised Code; 22510

(b) Attaining a score level prescribed under division 22511  
(B)(5)(d) of section 3301.0712 of the Revised Code that is at 22512  
least the equivalent of a proficient level of skill in appropriate 22513  
advanced placement or international baccalaureate examinations in 22514  
lieu of the American history and American government end-of-course 22515  
examinations; 22516

(c) ~~Attaining~~ In lieu of the American history and American 22517  
government end-of-course examinations, attaining a final course 22518  
grade that is the equivalent of a "B" or higher in ~~appropriate~~ 22519  
either: 22520

(i) An American history course and an American government 22521  
course that are offered by the student's high school; 22522

(ii) Appropriate courses taken through the college credit 22523  
plus program established under Chapter 3365. of the Revised Code 22524  
~~in lieu of the American history and American government~~ 22525  
~~end-of-course examinations.~~ 22526

(d) In the case of a student who takes an alternate 22527  
assessment in accordance with division (C)(1) of section 3301.0711 22528

of the Revised Code, attaining a score established by the state 22529  
board on the alternate assessment in social studies; 22530

(e) In the case of a student who transfers into an Ohio 22531  
public or chartered nonpublic high school from another state or 22532  
who enrolls in an Ohio public or chartered nonpublic high school 22533  
after receiving home instruction or attending a nonchartered, 22534  
nontax-supported school in the previous school year, attaining a 22535  
final course grade that is the equivalent of a "B" or higher in 22536  
courses that correspond with the American history and American 22537  
government end-of-course examinations and that the student 22538  
completed in the state from which the student transferred or 22539  
completed while receiving home instruction or attending a 22540  
nonchartered, nontax-supported school. Division (C)(4)(e) of this 22541  
section does not apply to any such student with respect to an 22542  
American history or American government course for which an 22543  
end-of-course examination is associated that the student takes 22544  
after enrolling in the high school. 22545

(5) A science seal. A student shall meet the requirement for 22546  
this seal by doing any of the following: 22547

(a) Demonstrating at least a proficient level of skill as 22548  
prescribed under division (B)(5)(a) of section 3301.0712 of the 22549  
Revised Code on the science end-of-course examination prescribed 22550  
under division (B)(2) of section 3301.0712 of the Revised Code; 22551

(b) Attaining a score level prescribed under division 22552  
(B)(5)(d) of section 3301.0712 of the Revised Code that is at 22553  
least the equivalent of a proficient level of skill in an 22554  
appropriate advanced placement or international baccalaureate 22555  
examination in lieu of the science end-of-course examination; 22556

(c) ~~Attaining~~ In lieu of the science end-of-course 22557  
examination, attaining a final course grade that is the equivalent 22558  
of a "B" or higher in ~~an~~ either: 22559

(i) A science course listed in divisions (C)(5)(c)(i) to 22560  
(iii) of section 3313.603 of the Revised Code that is offered by 22561  
the student's high school; 22562

(ii) An appropriate course taken through the college credit 22563  
plus program established under Chapter 3365. of the Revised Code 22564  
in lieu of the science end-of-course examination. 22565

(d) In the case of a student who takes an alternate 22566  
assessment in accordance with division (C)(1) of section 3301.0711 22567  
of the Revised Code, attaining a score established by the state 22568  
board on the alternate assessment in science; 22569

(e) In the case of a student who transfers into an Ohio 22570  
public or chartered nonpublic high school from another state or 22571  
enrolls in an Ohio public or chartered nonpublic high school after 22572  
receiving home instruction or attending a nonchartered, 22573  
nontax-supported school in the previous school year, attaining a 22574  
final course grade that is the equivalent of a "B" or higher in a 22575  
course that corresponds with the science end-of-course examination 22576  
and that the student completed in the state from which the student 22577  
transferred or completed while receiving home instruction or 22578  
attending a nonchartered, nontax-supported school. Division 22579  
(C)(5)(e) of this section does not apply to any such student who 22580  
takes a science course for which an end-of-course examination is 22581  
associated after enrolling in the high school. 22582

(6) An honors diploma seal. A student shall meet the 22583  
requirement for this seal by meeting the additional criteria for 22584  
an honors diploma under division (B) of section 3313.61 of the 22585  
Revised Code. 22586

(7) A technology seal. A student shall meet the requirement 22587  
for this seal by doing any of the following: 22588

(a) Subject to division (B)(5)(d) of section 3301.0712 of the 22589  
Revised Code, attaining a score level that is at least the 22590

equivalent of a proficient level of skill in an appropriate 22591  
advanced placement or international baccalaureate examination; 22592

(b) Attaining a final course grade that is the equivalent of 22593  
a "B" or higher in an appropriate course taken through the college 22594  
credit plus program established under Chapter 3365. of the Revised 22595  
Code; 22596

(c) Completing a course offered through the student's 22597  
district or school that meets guidelines developed by the 22598  
department of education. However, a district or school shall not 22599  
be required to offer a course that meets guidelines developed by 22600  
the department. 22601

(d) In the case of a student who transfers into an Ohio 22602  
public or chartered nonpublic high school from another state or 22603  
enrolls in an Ohio public or chartered nonpublic high school after 22604  
receiving home instruction or attending a nonchartered, 22605  
nontax-supported school in the previous school year, attaining a 22606  
final course grade that is the equivalent of a "B" or higher in an 22607  
appropriate course, as determined by the district or school, that 22608  
the student completed in the state from which the student 22609  
transferred or completed while receiving home instruction or 22610  
attending a nonchartered, nontax-supported school. 22611

(8) A community service seal. A student shall meet the 22612  
requirement for this seal by completing a community service 22613  
project that is aligned with guidelines adopted by the student's 22614  
district board or school governing authority. 22615

(9) A fine and performing arts seal. A student shall meet the 22616  
requirement for this seal by demonstrating skill in the fine or 22617  
performing arts according to an evaluation that is aligned with 22618  
guidelines adopted by the student's district board or school 22619  
governing authority. 22620

(10) A student engagement seal. A student shall meet the 22621

requirement for this seal by participating in extracurricular 22622  
activities such as athletics, clubs, or student government to a 22623  
meaningful extent, as determined by guidelines adopted by the 22624  
student's district board or school governing authority. 22625

~~(D)~~(D)(1) Each district or school shall develop guidelines 22626  
for at least one of the state seals prescribed under divisions 22627  
(C)(8) to (10) of this section. 22628

(2) For the purposes of determining whether a student who 22629  
transfers to a district or school has satisfied the state diploma 22630  
seal requirement under division (B)(2) of section 3313.618 of the 22631  
Revised Code, each district or school shall recognize a state 22632  
diploma seal prescribed under divisions (C)(8) to (10) of this 22633  
section and earned by a student at another district or a different 22634  
public or chartered nonpublic school regardless of whether the 22635  
district or school to which the student transfers has developed 22636  
guidelines under this section for that state seal. 22637

(3) In guidelines developed for a state diploma seal 22638  
prescribed under divisions (C)(8) to (10) of this section, each 22639  
district or school shall include a method to give, to the extent 22640  
feasible, a student who transfers into the district or school a 22641  
proportional amount of credit for any progress the student was 22642  
making toward earning that state seal at the school district or 22643  
different public or chartered nonpublic school from which the 22644  
student transfers. 22645

(E) Each district or school shall maintain appropriate 22646  
records to identify students who have met the requirements 22647  
prescribed under division (C) of this section for earning the 22648  
state seals established under that division. 22649

(F) The department shall prepare and deliver to each district 22650  
or school an appropriate mechanism for assigning a state diploma 22651  
seal established under division (C) of this section. 22652

(G) A student shall not be charged a fee to be assigned a state seal prescribed under division (C) of this section on the student's diploma and transcript.

**Sec. 3314.013.** (A) ~~Until the sixty first day after the effective date of this amendment~~ May 22, 2013, no internet- or computer-based community school shall operate unless the school was open for instruction as of May 1, 2005. No entity described in division (C)(1) of section 3314.02 of the Revised Code shall enter into a contract to sponsor an internet- or computer-based community school, including a conversion school, between May 1, 2005, and ~~the sixty first day after the effective date of this amendment~~ May 22, 2013, except as follows:

(1) The entity may renew a contract that the entity entered into with an internet- or computer-based community school prior to May 1, 2005, if the school was open for operation as of that date.

(2) The entity may assume sponsorship of an existing internet- or computer-based community school that was formerly sponsored by another entity and may enter into a contract with that community school in accordance with section 3314.03 of the Revised Code.

If a sponsor entered into a contract with an internet- or computer-based community school, including a conversion school, but the school was not open for operation as of May 1, 2005, the contract shall be void and the entity shall not enter into another contract with the school until ~~the sixty first day after the effective date of this amendment~~ May 22, 2013.

(B)(1) Beginning on ~~the later of July 1, 2013, or the sixty first day after the effective date of this amendment~~, up to five new internet- or computer-based community schools may open each year, subject to approval of the superintendent of public instruction under division (B)(2) of this section.

(2) The superintendent of public instruction shall approve 22684  
applications for new internet- or computer-based community schools 22685  
from only those applicants demonstrating experience and quality. 22686

The state board of education shall adopt rules prescribing 22687  
measures to determine experience and quality of applicants in 22688  
accordance with Chapter 119. of the Revised Code. The measures 22689  
shall include, but not be limited to, the following 22690  
considerations: 22691

(a) The sponsor's experience with online schools; 22692

(b) The operator's experience with online schools; 22693

(c) The sponsor's and operator's previous record for student 22694  
performance; 22695

(d) A preference for operators with previous experience in 22696  
Ohio. 22697

The state board shall adopt the rules so that they are 22698  
effective ~~not later than the sixty first day after the effective~~ 22699  
~~date of this amendment~~ May 22, 2013. 22700

(3) The department of education shall notify any new 22701  
internet- or computer-based community school governed by division 22702  
(B) of this section of whether the superintendent has approved or 22703  
disapproved the school's application to open for the 2013-2014 22704  
school year not later than July 1, 2013, ~~or the sixty first day~~ 22705  
~~after the effective date of this amendment , if such date occurs~~ 22706  
~~after July 1, 2013~~. Notwithstanding the dates prescribed for 22707  
adoption and signing on sponsor contracts in division (D) of 22708  
section 3314.02 of the Revised Code, or the date for opening a 22709  
school for instruction required by division (A)(25) of section 22710  
3314.03 of the Revised Code, a new internet- or computer-based 22711  
community school approved for opening for the 2013-2014 school 22712  
year under division (B) of this section may open and operate in 22713  
that school year regardless of whether it has complied with those 22714

contract and opening dates. For each school year thereafter, the 22715  
school shall comply with all applicable provisions of this 22716  
chapter. 22717

(C) Nothing in ~~divisions~~ division (A) or (B) of this section 22718  
prohibits an internet- or computer-based community school from 22719  
increasing the number of grade levels it offers. 22720

~~(D) Not later than July 1, 2012, the director of the 22721  
governor's office of 21st century education and the superintendent 22722  
of public instruction shall develop standards for the operation of 22723  
internet- or computer-based community schools. The director shall 22724  
submit those standards to the speaker of the house of 22725  
representatives and the president of the senate for consideration 22726  
of enactment by the general assembly. 22727~~

**Sec. 3314.016.** This section applies to any entity that 22728  
sponsors a community school, regardless of whether section 22729  
3314.021 or 3314.027 of the Revised Code exempts the entity from 22730  
the requirement to be approved for sponsorship under divisions 22731  
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 22732  
office of Ohio school sponsorship established under section 22733  
3314.029 of the Revised Code shall be rated under division (B) of 22734  
this section, but divisions (A) and (C) of this section do not 22735  
apply to the office. 22736

(A) An entity that sponsors a community school shall be 22737  
permitted to enter into contracts under section 3314.03 of the 22738  
Revised Code to sponsor additional community schools only if the 22739  
entity meets all of the following criteria: 22740

(1) The entity is in compliance with all provisions of this 22741  
chapter requiring sponsors of community schools to report data or 22742  
information to the department of education. 22743

(2) The entity is not rated as "ineffective" under division 22744

(B)(6) of this section. 22745

(3) Except as set forth in sections 3314.021 and 3314.027 of 22746  
the Revised Code, the entity has received approval from and 22747  
entered into an agreement with the department of education 22748  
pursuant to section 3314.015 of the Revised Code. 22749

(B)(1) The department shall develop and implement an 22750  
evaluation system that annually rates and assigns an overall 22751  
rating to each entity that sponsors a community school. The 22752  
department, not later than the first day of February of each year, 22753  
shall post on the department's web site the framework for the 22754  
evaluation system, including technical documentation that the 22755  
department intends to use to rate sponsors for the next school 22756  
year. The department shall solicit public comment on the 22757  
evaluation system for thirty consecutive days. Not later than the 22758  
first day of April of each year, the department shall compile and 22759  
post on the department's web site all public comments that were 22760  
received during the public comment period. The evaluation system 22761  
shall be posted on the department's web site by the fifteenth day 22762  
of July of each school year. Any changes to the evaluation system 22763  
after that date shall take effect the following year. The 22764  
evaluation system shall be based on the following components: 22765

(a) Academic performance of students enrolled in community 22766  
schools sponsored by the same entity. The academic performance 22767  
component shall be derived from the performance measures 22768  
prescribed for the state report cards under section 3302.03 or 22769  
3314.017 of the Revised Code, and shall be based on the 22770  
performance of the schools for the school year for which the 22771  
evaluation is conducted. In addition to the academic performance 22772  
for a specific school year, the academic performance component 22773  
shall also include year-to-year changes in the overall sponsor 22774  
portfolio. For a community school for which no graded performance 22775  
measures are applicable or available, the department shall use 22776

nonreport card performance measures specified in the contract 22777  
between the community school and the sponsor under division (A)(4) 22778  
of section 3314.03 of the Revised Code. 22779

(b) Adherence by a sponsor to the quality practices 22780  
prescribed by the department under division (B)(3) of this 22781  
section. For a sponsor that was rated "effective" or "exemplary" 22782  
on its most recent rating, the department may evaluate that 22783  
sponsor's adherence to quality practices once over a period of 22784  
three years. If the department elects to evaluate a sponsor once 22785  
over a period of three years, the most recent rating for a 22786  
sponsor's adherence to quality practices shall be used when 22787  
determining an annual overall rating conducted under this section. 22788

(c) Compliance with all applicable laws and administrative 22789  
rules by an entity that sponsors a community school. 22790

(2) In calculating an academic performance component, the 22791  
department shall exclude all community schools that have been in 22792  
operation for not more than two full school years and all 22793  
community schools described in division (A)(4)(b) of section 22794  
3314.35 of the Revised Code. However, the academic performance of 22795  
the community schools described in division (A)(4)(b) of section 22796  
3314.35 of the Revised Code shall be reported, but shall not be 22797  
used as a factor when determining a sponsoring entity's rating 22798  
under this section. 22799

(3) The department, in consultation with entities that 22800  
sponsor community schools, shall prescribe quality practices for 22801  
community school sponsors and develop an instrument to measure 22802  
adherence to those quality practices. The quality practices shall 22803  
be based on standards developed by the national association of 22804  
charter school authorizers or any other nationally organized 22805  
community school organization. 22806

(4)(a) The department may permit peer review of a sponsor's 22807

adherence to the quality practices prescribed under division 22808  
(B)(3) of this section. Peer reviewers shall be limited to 22809  
individuals employed by sponsors rated "effective" or "exemplary" 22810  
on the most recent ratings conducted under this section. 22811

(b) The department shall require individuals participating in 22812  
peer review under division (B)(4)(a) of this section to complete 22813  
training approved or established by the department. 22814

(c) The department may enter into an agreement with another 22815  
entity to provide training to individuals conducting peer review 22816  
of sponsors. Prior to entering into an agreement with an entity, 22817  
the department shall review and approve of the entity's training 22818  
program. 22819

(5) Not later than July 1, 2013, the state board of education 22820  
shall adopt rules in accordance with Chapter 119. of the Revised 22821  
Code prescribing standards for measuring compliance with 22822  
applicable laws and rules under division (B)(1)(c) of this 22823  
section. 22824

(6) The department annually shall rate all entities that 22825  
sponsor community schools as either "exemplary," "effective," 22826  
"ineffective," or "poor," based on the components prescribed by 22827  
division (B) of this section, where each component is weighted 22828  
equally. A separate rating shall be given by the department for 22829  
each component of the evaluation system. 22830

The department shall publish the ratings between the first 22831  
day of October and the fifteenth day of November. 22832

Prior to the publication of the final ratings, the department 22833  
shall designate and provide notice of a period of at least ten 22834  
business days during which each sponsor may review the information 22835  
used by the department to determine the sponsor's rating on the 22836  
components prescribed by division (B)(1) of this section. If the 22837  
sponsor believes there is an error in the department's evaluation, 22838

the sponsor may request adjustments to the rating of any of those 22839  
components based on documentation previously submitted as part of 22840  
an evaluation. The sponsor shall provide to the department any 22841  
necessary evidence or information to support the requested 22842  
adjustments. The department shall review the evidence and 22843  
information, determine whether an adjustment is valid, and 22844  
promptly notify the sponsor of its determination and reasons. If 22845  
any adjustments to the data could result in a change to the rating 22846  
on the applicable component or to the overall rating, the 22847  
department shall recalculate the ratings prior to publication. 22848

The department shall provide training on an annual basis 22849  
regarding the evaluation system prescribed under this section. The 22850  
training shall, at a minimum, describe methodology, timelines, and 22851  
data required for the evaluation system. The first training 22852  
session shall occur not later than March 2, 2016. Beginning in 22853  
2018, the training shall be made available to each entity that 22854  
sponsors a community school by the fifteenth day of July of each 22855  
year and shall include guidance on any changes made to the 22856  
evaluation system. 22857

(7)(a) Entities with an overall rating of "exemplary" for ~~at~~ 22858  
least the two consecutive most recent years in which the entity 22859  
was evaluated may take advantage of the following incentives: 22860

(i) Renewal of the written agreement with the department, not 22861  
to exceed ten years, provided that the entity consents to 22862  
continued evaluation of adherence to quality practices as 22863  
described in division (B)(1)(b) of this section; 22864

(ii) The ability to extend the term of the contract between 22865  
the sponsoring entity and the community school beyond the term 22866  
described in the written agreement with the department; 22867

(iii) An exemption from the preliminary agreement and 22868  
contract adoption and execution deadline requirements prescribed 22869

in division (D) of section 3314.02 of the Revised Code; 22870

(iv) An exemption from the automatic contract expiration 22871  
requirement, should a new community school fail to open by the 22872  
thirtieth day of September of the calendar year in which the 22873  
community school contract is executed; 22874

(v) No limit on the number of community schools the entity 22875  
may sponsor; 22876

(vi) No territorial restrictions on sponsorship. 22877

An entity may continue to sponsor any community schools with 22878  
which it entered into agreements under division (B)(7)(a)(v) or 22879  
(vi) of this section while rated "exemplary," notwithstanding the 22880  
fact that the entity later receives a lower overall rating. 22881

(b) Entities with an overall rating of "exemplary" or 22882  
"effective" for ~~at least~~ the three consecutive most recent years 22883  
in which the entity was evaluated shall be evaluated by the 22884  
department once every three years. 22885

(c)(i) Entities that receive an overall rating of 22886  
"ineffective" shall be prohibited from sponsoring any new or 22887  
additional community schools during the time in which the sponsor 22888  
is rated as "ineffective" and shall be subject to a quality 22889  
improvement plan based on correcting the deficiencies that led to 22890  
the "ineffective" rating, with timelines and benchmarks that have 22891  
been established by the department. 22892

(ii) Entities that receive an overall rating of "ineffective" 22893  
on their three most recent ratings shall have all sponsorship 22894  
authority revoked. Within thirty days after receiving its third 22895  
rating of "ineffective," the entity may appeal the revocation of 22896  
its sponsorship authority to the superintendent of public 22897  
instruction, who shall appoint an independent hearing officer to 22898  
conduct a hearing in accordance with Chapter 119. of the Revised 22899  
Code. The hearing shall be conducted within thirty days after 22900

receipt of the notice of appeal. Within forty-five days after the 22901  
hearing is completed, the state board of education shall determine 22902  
whether the revocation is appropriate based on the hearing 22903  
conducted by the independent hearing officer, and if determined 22904  
appropriate, the revocation shall be confirmed. 22905

(d) Entities that receive an overall rating of "poor" shall 22906  
have all sponsorship authority revoked. Within thirty days after 22907  
receiving a rating of "poor," the entity may appeal the revocation 22908  
of its sponsorship authority to the superintendent of public 22909  
instruction, who shall appoint an independent hearing officer to 22910  
conduct a hearing in accordance with Chapter 119. of the Revised 22911  
Code. The hearing shall be conducted within thirty days after 22912  
receipt of the notice of appeal. Within forty-five days after the 22913  
hearing is completed, the state board of education shall determine 22914  
whether the revocation is appropriate based on the hearing 22915  
conducted by the independent hearing officer, and if determined 22916  
appropriate, the revocation shall be confirmed. 22917

(8) For the 2014-2015 school year and each school year 22918  
thereafter, student academic performance prescribed under division 22919  
(B)(1)(a) of this section shall include student academic 22920  
performance data from community schools that primarily serve 22921  
students enrolled in a dropout prevention and recovery program. 22922

(C) If the governing authority of a community school enters 22923  
into a contract with a sponsor prior to the date on which the 22924  
sponsor is prohibited from sponsoring additional schools under 22925  
division (A) of this section and the school has not opened for 22926  
operation as of that date, that contract shall be void and the 22927  
school shall not open until the governing authority secures a new 22928  
sponsor by entering into a contract with the new sponsor under 22929  
section 3314.03 of the Revised Code. However, the department's 22930  
office of Ohio school sponsorship, established under section 22931  
3314.029 of the Revised Code, may assume the sponsorship of the 22932

school until the earlier of the expiration of two school years or 22933  
until a new sponsor is secured by the school's governing 22934  
authority. A community school sponsored by the department under 22935  
this division shall not be included when calculating the maximum 22936  
number of directly authorized community schools permitted under 22937  
division (A)(3) of section 3314.029 of the Revised Code. 22938

(D) When an entity's authority to sponsor schools is revoked 22939  
pursuant to division ~~(B)(7)(b)~~(B)(7)(c) or ~~(e)~~(d) of this section, 22940  
the office of Ohio school sponsorship shall assume sponsorship of 22941  
any schools with which the original sponsor has contracted for the 22942  
remainder of that school year. The office may continue sponsoring 22943  
those schools until the earlier of: 22944

(1) The expiration of two school years from the time that 22945  
sponsorship is revoked; 22946

(2) When a new sponsor is secured by the governing authority 22947  
pursuant to division (C)(1) of section 3314.02 of the Revised 22948  
Code. 22949

Any community school sponsored under this division shall not 22950  
be counted for purposes of directly authorized community schools 22951  
under division (A)(3) of section 3314.029 of the Revised Code. 22952

(E) The department shall recalculate the rating for the 22953  
2017-2018 school year for each sponsor of a community school that 22954  
receives recalculated ratings pursuant to division (I) of section 22955  
3314.017 of the Revised Code. 22956

**Sec. 3314.017.** (A) The state board of education shall 22957  
prescribe by rules, adopted in accordance with Chapter 119. of the 22958  
Revised Code, an academic performance rating and report card 22959  
system that satisfies the requirements of this section for 22960  
community schools that primarily serve students enrolled in 22961  
dropout prevention and recovery programs as described in division 22962

(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 22963  
lieu of the system prescribed under sections 3302.03 and 3314.012 22964  
of the Revised Code beginning with the 2012-2013 school year. Each 22965  
such school shall comply with the testing and reporting 22966  
requirements of the system as prescribed by the state board. 22967

(B) Nothing in this section shall at any time relieve a 22968  
school from its obligations under the "No Child Left Behind Act of 22969  
2001" to make "adequate yearly progress," as both that act and 22970  
that term are defined in section 3302.01 of the Revised Code, or a 22971  
school's amenability to the provisions of section 3302.04 or 22972  
3302.041 of the Revised Code. The department of education shall 22973  
continue to report each school's performance as required by the 22974  
act and to enforce applicable sanctions under section 3302.04 or 22975  
3302.041 of the Revised Code. 22976

(C) The rules adopted by the state board shall prescribe the 22977  
following performance indicators for the rating and report card 22978  
system required by this section: 22979

(1) Graduation rate for each of the following student 22980  
cohorts: 22981

(a) The number of students who graduate in four years or less 22982  
with a regular high school diploma divided by the number of 22983  
students who form the adjusted cohort for the graduating class; 22984

(b) The number of students who graduate in five years with a 22985  
regular high school diploma divided by the number of students who 22986  
form the adjusted cohort for the four-year graduation rate; 22987

(c) The number of students who graduate in six years with a 22988  
regular high school diploma divided by the number of students who 22989  
form the adjusted cohort for the four-year graduation rate; 22990

(d) The number of students who graduate in seven years with a 22991  
regular high school diploma divided by the number of students who 22992

form the adjusted cohort for the four-year graduation rate; 22993

(e) The number of students who graduate in eight years with a 22994  
regular high school diploma divided by the number of students who 22995  
form the adjusted cohort for the four-year graduation rate. 22996

(2) The percentage of twelfth-grade students currently 22997  
enrolled in the school who have attained the designated passing 22998  
score on all of the state high school achievement assessments 22999  
required under division (B)(1) of section 3301.0710 of the Revised 23000  
Code or the cumulative performance score on the end-of-course 23001  
examinations prescribed under division (B)(2) of section 3301.0712 23002  
of the Revised Code, whichever applies, and other students 23003  
enrolled in the school, regardless of grade level, who are within 23004  
three months of their twenty-second birthday and have attained the 23005  
designated passing score on all of the state high school 23006  
achievement assessments or the cumulative performance score on the 23007  
end-of-course examinations, whichever applies, by their 23008  
twenty-second birthday; 23009

(3) Annual measurable objectives as defined in section 23010  
3302.01 of the Revised Code; 23011

(4) Growth in student achievement in reading, or mathematics, 23012  
or both as measured by separate nationally norm-referenced 23013  
assessments that have developed appropriate standards for students 23014  
enrolled in dropout prevention and recovery programs, adopted or 23015  
approved by the state board. 23016

(D)(1) The state board's rules shall prescribe the expected 23017  
performance levels and benchmarks for each of the indicators 23018  
prescribed by division (C) of this section based on the data 23019  
gathered by the department under division (G) of this section. 23020  
Based on a school's level of attainment or nonattainment of the 23021  
expected performance levels and benchmarks for each of the 23022  
indicators, the department shall rate each school in one of the 23023

following categories:	23024
(a) Exceeds standards;	23025
(b) Meets standards;	23026
(c) Does not meet standards.	23027
(2) The state board's rules shall establish all of the	23028
following:	23029
(a) Not later than June 30, 2013, performance levels and	23030
benchmarks for the indicators described in divisions (C)(1) to (3)	23031
of this section;	23032
(b) Not later than December 31, 2014, both of the following:	23033
(i) Performance levels and benchmarks for the indicator	23034
described in division (C)(4) of this section;	23035
(ii) Standards for awarding a community school described in	23036
division (A)(4)(a) of section 3314.35 of the Revised Code an	23037
overall designation, which shall be calculated as follows:	23038
(I) Thirty per cent of the score shall be based on the	23039
indicators described in division (C)(1) of this section that are	23040
applicable to the school year for which the overall designation is	23041
granted.	23042
(II) Thirty per cent of the score shall be based on the	23043
indicators described in division (C)(4) of this section.	23044
(III) Twenty per cent of the score shall be based on the	23045
indicators described in division (C)(2) of this section.	23046
(IV) Twenty per cent of the score shall be based on the	23047
indicators described in division (C)(3) of this section.	23048
(3) If both of the indicators described in divisions (C)(1)	23049
and (2) of this section improve by ten per cent for two	23050
consecutive years, a school shall be rated not less than "meets	23051
standards."	23052

The rating and the relevant performance data for each school 23053  
shall be posted on the department's web site, and a copy of the 23054  
rating and data shall be provided to the governing authority of 23055  
the community school. 23056

(E)(1) For the 2012-2013 school year, the department shall 23057  
issue a report card including the following performance measures, 23058  
but without a performance rating as described in divisions 23059  
(D)(1)(a) to (c) of this section, for each community school 23060  
described in division (A)(4)(a) of section 3314.35 of the Revised 23061  
Code: 23062

(a) The graduation rates as described in divisions (C)(1)(a) 23063  
to (c) of this section; 23064

(b) The percentage of twelfth-grade students and other 23065  
students who have attained a designated passing score on high 23066  
school achievement assessments as described in division (C)(2) of 23067  
this section; 23068

(c) The statewide average for the graduation rates and 23069  
assessment passage rates described in divisions (C)(1)(a) to (c) 23070  
and (C)(2) of this section; 23071

(d) Annual measurable objectives described in division (C)(3) 23072  
of this section. 23073

(2) For the 2013-2014 school year, the department shall issue 23074  
a report card including the following performance measures for 23075  
each community school described in division (A)(4)(a) of section 23076  
3314.35 of the Revised Code: 23077

(a) The graduation rates described in divisions (C)(1)(a) to 23078  
(d) of this section, including a performance rating as described 23079  
in divisions (D)(1)(a) to (c) of this section; 23080

(b) The percentage of twelfth-grade students and other 23081  
students who have attained a designated passing score on high 23082

school achievement assessments as described in division (C)(2) of	23083
this section, including a performance rating as described in	23084
divisions (D)(1)(a) to (c) of this section;	23085
(c) Annual measurable objectives described in division (C)(3)	23086
of this section, including a performance rating as described in	23087
divisions (D)(1)(a) to (c) of this section;	23088
(d) Both of the following without an assigned rating:	23089
(i) Growth in annual student achievement in reading and	23090
mathematics described in division (C)(4) of this section, if	23091
available;	23092
(ii) Student outcome data, including postsecondary credit	23093
earned, nationally recognized career or technical certification,	23094
military enlistment, job placement, and attendance rate.	23095
(3) Beginning with the 2014-2015 school year, and annually	23096
thereafter, the department shall issue a report card for each	23097
community school described in division (A)(4)(a) of section	23098
3314.35 of the Revised Code that includes all of the following	23099
performance measures, including a performance rating for each	23100
measure as described in divisions (D)(1)(a) to (c) of this	23101
section:	23102
(a) The graduation rates as described in division (C)(1) of	23103
this section;	23104
(b) The percentage of twelfth-grade students and other	23105
students who have attained a designated passing score on high	23106
school achievement assessments as described in division (C)(2) of	23107
this section;	23108
(c) Annual measurable objectives described in division (C)(3)	23109
of this section, including a performance rating as described in	23110
divisions (D)(1)(a) to (c) of this section;	23111
(d) Growth in annual student achievement in reading and	23112

mathematics as described in division (C)(4) of this section; 23113

(e) An overall performance designation for the school 23114  
calculated under rules adopted under division (D)(2) of this 23115  
section. 23116

The department shall also include student outcome data, 23117  
including postsecondary credit earned, nationally recognized 23118  
career or technical certification, military enlistment, job 23119  
placement, attendance rate, and progress on closing achievement 23120  
gaps for each school. This information shall not be included in 23121  
the calculation of a school's performance rating. 23122

(F) Not later than the thirty-first day of July of each year, 23123  
the department shall submit preliminary report card data for 23124  
overall academic performance for each performance measure 23125  
prescribed in division (E)(3) of this section for each community 23126  
school to which this section applies. 23127

(G) In developing the rating and report card system required 23128  
by this section, during the 2012-2013 and 2013-2014 school years, 23129  
the department shall gather and analyze data as determined 23130  
necessary from each community school described in division 23131  
(A)(4)(a) of section 3314.35 of the Revised Code. Each such school 23132  
shall cooperate with the department by supplying requested data 23133  
and administering required assessments, including sample 23134  
assessments for purposes of measuring student achievement growth 23135  
as described in division (C)(4) of this section. The department 23136  
shall consult with stakeholder groups in performing its duties 23137  
under this division. 23138

The department shall also identify one or more states that 23139  
have established or are in the process of establishing similar 23140  
academic performance rating systems for dropout prevention and 23141  
recovery programs and consult with the departments of education of 23142  
those states in developing the system required by this section. 23143

(H) Not later than December 31, 2014, the state board shall review the performance levels and benchmarks for performance indicators in the report card issued under this section and may revise them based on the data collected under division (G) of this section.

(I) For the purposes of division (F) of section 3314.351 of the Revised Code, the department shall recalculate the ratings for each school under division (E)(3) of this section for the 2017-2018 school year and calculate the ratings under that division for the 2018-2019 school year using the indicators prescribed by division (C) of this section, as it exists on and after the effective date of this amendment July 18, 2019.

~~(J) The state board shall coordinate a study committee consisting of one member of the Ohio senate appointed by the president of the senate, one member of the Ohio house of representatives appointed by the speaker of the house of representatives, one representative of the governor's office, one school district superintendent appointed by the state board, and one chief administrator of a community school appointed by the state board. This committee shall conduct a study regarding the classification, authorization, and report card ratings of community schools that primarily serve students enrolled in dropout prevention and recovery programs as described in division (A)(4)(a) of section 3314.35 of the Revised Code that offer two or more of the following educational models:~~

~~(1) Blended learning, as that term is defined in section 3301.079 of the Revised Code;~~

~~(2) Portfolio learning, as defined by the members of the committee;~~

~~(3) Credit flexibility, which permits credits to be awarded based on a student's demonstration of subject area competency.~~

~~The state board, on behalf of the committee, shall submit the committee's recommendations to the general assembly in accordance with section 101.68 of the Revised Code not later than six months after the effective date of this amendment.~~

**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;	23206
(6)(a) Dismissal procedures;	23207
(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.	23208 23209 23210 23211 23212
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	23213 23214
(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.	23215 23216 23217 23218 23219 23220
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	23221 23222
(a) A detailed description of each facility used for instructional purposes;	23223 23224
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	23225 23226
(c) The annual mortgage principal and interest payments that are paid by the school;	23227 23228
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	23229 23230 23231
(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	23232 23233 23234 23235

twelve hours or forty hours per week pursuant to section 3319.301 23236  
of the Revised Code. 23237

(11) That the school will comply with the following 23238  
requirements: 23239

(a) The school will provide learning opportunities to a 23240  
minimum of twenty-five students for a minimum of nine hundred 23241  
twenty hours per school year. 23242

(b) The governing authority will purchase liability 23243  
insurance, or otherwise provide for the potential liability of the 23244  
school. 23245

(c) The school will be nonsectarian in its programs, 23246  
admission policies, employment practices, and all other 23247  
operations, and will not be operated by a sectarian school or 23248  
religious institution. 23249

(d) The school will comply with sections 9.90, 9.91, 109.65, 23250  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 23251  
3301.0712, 3301.0715, 3301.0729, 3301.232, 3301.948, 3313.472, 23252  
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 23253  
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 23254  
3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 23255  
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 23256  
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 23257  
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 23258  
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 23259  
3319.077, 3319.078, 3319.0812, 3319.318, 3319.321, 3319.39, 23260  
3319.391, 3319.393, 3319.394, 3319.41, 3319.46, 3320.01, 3320.02, 23261  
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 23262  
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 23263  
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 23264  
4123., 4141., and 4167. of the Revised Code as if it were a school 23265  
district and will comply with section 3301.0714 of the Revised 23266

Code in the manner specified in section 3314.17 of the Revised Code. 23267  
Code. 23268

(e) The school shall comply with Chapter 102. and section 23269  
2921.42 of the Revised Code. 23270

(f) The school will comply with sections 3313.61, 3313.611, 23271  
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 23272  
except that for students who enter ninth grade for the first time 23273  
before July 1, 2010, the requirement in sections 3313.61 and 23274  
3313.611 of the Revised Code that a person must successfully 23275  
complete the curriculum in any high school prior to receiving a 23276  
high school diploma may be met by completing the curriculum 23277  
adopted by the governing authority of the community school rather 23278  
than the curriculum specified in Title XXXIII of the Revised Code 23279  
or any rules of the state board of education. Beginning with 23280  
students who enter ninth grade for the first time on or after July 23281  
1, 2010, the requirement in sections 3313.61 and 3313.611 of the 23282  
Revised Code that a person must successfully complete the 23283  
curriculum of a high school prior to receiving a high school 23284  
diploma shall be met by completing the requirements prescribed in 23285  
division (C) of section 3313.603 of the Revised Code, unless the 23286  
person qualifies under division (D) or (F) of that section. Each 23287  
school shall comply with the plan for awarding high school credit 23288  
based on demonstration of subject area competency, and beginning 23289  
with the 2017-2018 school year, with the updated plan that permits 23290  
students enrolled in seventh and eighth grade to meet curriculum 23291  
requirements based on subject area competency adopted by the state 23292  
board of education under divisions (J)(1) and (2) of section 23293  
3313.603 of the Revised Code. Beginning with the 2018-2019 school 23294  
year, the school shall comply with the framework for granting 23295  
units of high school credit to students who demonstrate subject 23296  
area competency through work-based learning experiences, 23297  
internships, or cooperative education developed by the department 23298

under division (J)(3) of section 3313.603 of the Revised Code. 23299

(g) The school governing authority will submit within four 23300  
months after the end of each school year a report of its 23301  
activities and progress in meeting the goals and standards of 23302  
divisions (A)(3) and (4) of this section and its financial status 23303  
to the sponsor and the parents of all students enrolled in the 23304  
school. 23305

(h) The school, unless it is an internet- or computer-based 23306  
community school, will comply with section 3313.801 of the Revised 23307  
Code as if it were a school district. 23308

(i) If the school is the recipient of moneys from a grant 23309  
awarded under the federal race to the top program, Division (A), 23310  
Title XIV, Sections 14005 and 14006 of the "American Recovery and 23311  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 23312  
school will pay teachers based upon performance in accordance with 23313  
section 3317.141 and will comply with section 3319.111 of the 23314  
Revised Code as if it were a school district. 23315

(j) If the school operates a preschool program that is 23316  
licensed by the department of education under sections 3301.52 to 23317  
3301.59 of the Revised Code, the school shall comply with sections 23318  
3301.50 to 3301.59 of the Revised Code and the minimum standards 23319  
for preschool programs prescribed in rules adopted by the state 23320  
board under section 3301.53 of the Revised Code. 23321

(k) The school will comply with sections 3313.6021 and 23322  
3313.6023 of the Revised Code as if it were a school district 23323  
unless it is either of the following: 23324

(i) An internet- or computer-based community school; 23325

(ii) A community school in which a majority of the enrolled 23326  
students are children with disabilities as described in division 23327  
(A)(4)(b) of section 3314.35 of the Revised Code. 23328

(1) 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; 23360

(19) A provision requiring the governing authority to adopt a 23361  
policy regarding the admission of students who reside outside the 23362  
district in which the school is located. That policy shall comply 23363  
with the admissions procedures specified in sections 3314.06 and 23364  
3314.061 of the Revised Code and, at the sole discretion of the 23365  
authority, shall do one of the following: 23366

(a) Prohibit the enrollment of students who reside outside 23367  
the district in which the school is located; 23368

(b) Permit the enrollment of students who reside in districts 23369  
adjacent to the district in which the school is located; 23370

(c) Permit the enrollment of students who reside in any other 23371  
district in the state. 23372

(20) A provision recognizing the authority of the department 23373  
of education to take over the sponsorship of the school in 23374  
accordance with the provisions of division (C) of section 3314.015 23375  
of the Revised Code; 23376

(21) A provision recognizing the sponsor's authority to 23377  
assume the operation of a school under the conditions specified in 23378  
division (B) of section 3314.073 of the Revised Code; 23379

(22) A provision recognizing both of the following: 23380

(a) The authority of public health and safety officials to 23381  
inspect the facilities of the school and to order the facilities 23382  
closed if those officials find that the facilities are not in 23383  
compliance with health and safety laws and regulations; 23384

(b) The authority of the department of education as the 23385  
community school oversight body to suspend the operation of the 23386  
school under section 3314.072 of the Revised Code if the 23387  
department has evidence of conditions or violations of law at the 23388  
school that pose an imminent danger to the health and safety of 23389

the school's students and employees and the sponsor refuses to 23390  
take such action. 23391

(23) A description of the learning opportunities that will be 23392  
offered to students including both classroom-based and 23393  
non-classroom-based learning opportunities that is in compliance 23394  
with criteria for student participation established by the 23395  
department under division (H)(2) of section 3314.08 of the Revised 23396  
Code; 23397

(24) The school will comply with sections 3302.04 and 23398  
3302.041 of the Revised Code, except that any action required to 23399  
be taken by a school district pursuant to those sections shall be 23400  
taken by the sponsor of the school. However, the sponsor shall not 23401  
be required to take any action described in division (F) of 23402  
section 3302.04 of the Revised Code. 23403

(25) Beginning in the 2006-2007 school year, the school will 23404  
open for operation not later than the thirtieth day of September 23405  
each school year, unless the mission of the school as specified 23406  
under division (A)(2) of this section is solely to serve dropouts. 23407  
In its initial year of operation, if the school fails to open by 23408  
the thirtieth day of September, or within one year after the 23409  
adoption of the contract pursuant to division (D) of section 23410  
3314.02 of the Revised Code if the mission of the school is solely 23411  
to serve dropouts, the contract shall be void. 23412

(26) Whether the school's governing authority is planning to 23413  
seek designation for the school as a STEM school equivalent under 23414  
section 3326.032 of the Revised Code; 23415

(27) That the school's attendance and participation policies 23416  
will be available for public inspection; 23417

(28) That the school's attendance and participation records 23418  
shall be made available to the department of education, auditor of 23419  
state, and school's sponsor to the extent permitted under and in 23420

accordance with the "Family Educational Rights and Privacy Act of 23421  
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 23422  
regulations promulgated under that act, and section 3319.321 of 23423  
the Revised Code; 23424

(29) If a school operates using the blended learning model, 23425  
as defined in section 3301.079 of the Revised Code, all of the 23426  
following information: 23427

(a) An indication of what blended learning model or models 23428  
will be used; 23429

(b) A description of how student instructional needs will be 23430  
determined and documented; 23431

(c) The method to be used for determining competency, 23432  
granting credit, and promoting students to a higher grade level; 23433

(d) The school's attendance requirements, including how the 23434  
school will document participation in learning opportunities; 23435

(e) A statement describing how student progress will be 23436  
monitored; 23437

(f) A statement describing how private student data will be 23438  
protected; 23439

(g) A description of the professional development activities 23440  
that will be offered to teachers. 23441

(30) A provision requiring that all moneys the school's 23442  
operator loans to the school, including facilities loans or cash 23443  
flow assistance, must be accounted for, documented, and bear 23444  
interest at a fair market rate; 23445

(31) A provision requiring that, if the governing authority 23446  
contracts with an attorney, accountant, or entity specializing in 23447  
audits, the attorney, accountant, or entity shall be independent 23448  
from the operator with which the school has contracted. 23449

(32) A provision requiring the governing authority to adopt 23450

an enrollment and attendance policy that requires a student's 23451  
parent to notify the community school in which the student is 23452  
enrolled when there is a change in the location of the parent's or 23453  
student's primary residence. 23454

(33) A provision requiring the governing authority to adopt a 23455  
student residence and address verification policy for students 23456  
enrolling in or attending the school. 23457

(B) The community school shall also submit to the sponsor a 23458  
comprehensive plan for the school. The plan shall specify the 23459  
following: 23460

(1) The process by which the governing authority of the 23461  
school will be selected in the future; 23462

(2) The management and administration of the school; 23463

(3) If the community school is a currently existing public 23464  
school or educational service center building, alternative 23465  
arrangements for current public school students who choose not to 23466  
attend the converted school and for teachers who choose not to 23467  
teach in the school or building after conversion; 23468

(4) The instructional program and educational philosophy of 23469  
the school; 23470

(5) Internal financial controls. 23471

When submitting the plan under this division, the school 23472  
shall also submit copies of all policies and procedures regarding 23473  
internal financial controls adopted by the governing authority of 23474  
the school. 23475

(C) A contract entered into under section 3314.02 of the 23476  
Revised Code between a sponsor and the governing authority of a 23477  
community school may provide for the community school governing 23478  
authority to make payments to the sponsor, which is hereby 23479  
authorized to receive such payments as set forth in the contract 23480

between the governing authority and the sponsor. The total amount 23481  
of such payments for monitoring, oversight, and technical 23482  
assistance of the school shall not exceed three per cent of the 23483  
total amount of payments for operating expenses that the school 23484  
receives from the state. 23485

(D) The contract shall specify the duties of the sponsor 23486  
which shall be in accordance with the written agreement entered 23487  
into with the department of education under division (B) of 23488  
section 3314.015 of the Revised Code and shall include the 23489  
following: 23490

(1) Monitor the community school's compliance with all laws 23491  
applicable to the school and with the terms of the contract; 23492

(2) Monitor and evaluate the academic and fiscal performance 23493  
and the organization and operation of the community school on at 23494  
least an annual basis; 23495

(3) Report on an annual basis the results of the evaluation 23496  
conducted under division (D)(2) of this section to the department 23497  
of education and to the parents of students enrolled in the 23498  
community school; 23499

(4) Provide technical assistance to the community school in 23500  
complying with laws applicable to the school and terms of the 23501  
contract; 23502

(5) Take steps to intervene in the school's operation to 23503  
correct problems in the school's overall performance, declare the 23504  
school to be on probationary status pursuant to section 3314.073 23505  
of the Revised Code, suspend the operation of the school pursuant 23506  
to section 3314.072 of the Revised Code, or terminate the contract 23507  
of the school pursuant to section 3314.07 of the Revised Code as 23508  
determined necessary by the sponsor; 23509

(6) Have in place a plan of action to be undertaken in the 23510  
event the community school experiences financial difficulties or 23511

closes prior to the end of a school year. 23512

(E) Upon the expiration of a contract entered into under this 23513  
section, the sponsor of a community school may, with the approval 23514  
of the governing authority of the school, renew that contract for 23515  
a period of time determined by the sponsor, but not ending earlier 23516  
than the end of any school year, if the sponsor finds that the 23517  
school's compliance with applicable laws and terms of the contract 23518  
and the school's progress in meeting the academic goals prescribed 23519  
in the contract have been satisfactory. Any contract that is 23520  
renewed under this division remains subject to the provisions of 23521  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 23522

(F) If a community school fails to open for operation within 23523  
one year after the contract entered into under this section is 23524  
adopted pursuant to division (D) of section 3314.02 of the Revised 23525  
Code or permanently closes prior to the expiration of the 23526  
contract, the contract shall be void and the school shall not 23527  
enter into a contract with any other sponsor. A school shall not 23528  
be considered permanently closed because the operations of the 23529  
school have been suspended pursuant to section 3314.072 of the 23530  
Revised Code. 23531

**Sec. 3314.06.** The governing authority of each community 23532  
school established under this chapter shall adopt admission 23533  
procedures that specify the following: 23534

(A) That, except as otherwise provided in this section, 23535  
admission to the school shall be open to any individual age five 23536  
to twenty-two entitled to attend school pursuant to section 23537  
3313.64 or 3313.65 of the Revised Code in a school district in the 23538  
state. 23539

Additionally, except as otherwise provided in this section, 23540  
admission to the school may be open on a tuition basis to any 23541  
individual age five to twenty-two who is not a resident of this 23542

state. The school shall not receive state funds under section 23543  
3314.08 of the Revised Code for any student who is not a resident 23544  
of this state. 23545

An individual younger than five years of age may be admitted 23546  
to the school in accordance with division (A)(2) of section 23547  
3321.01 of the Revised Code. The school shall receive funds for an 23548  
individual admitted under that division in the manner provided 23549  
under section 3314.08 of the Revised Code. 23550

If the school operates a program that uses the Montessori 23551  
method endorsed by the American Montessori society, the Montessori 23552  
accreditation council for teacher education, or the association 23553  
Montessori internationale as its primary method of instruction, 23554  
admission to the school may be open to individuals younger than 23555  
five years of age. ~~The department of education shall pay the~~ 23556  
~~school an amount equal to the formula amount, as defined in~~ 23557  
~~section 3317.02 of the Revised Code, for each of these students~~ 23558  
~~younger than four years of age. However, but~~ the school shall not 23559  
receive ~~any other~~ funds under this chapter for those individuals. 23560  
Notwithstanding anything to the contrary in this chapter, 23561  
individuals younger than five years of age who are enrolled in a 23562  
Montessori program shall be offered at least four hundred 23563  
fifty-five hours of learning opportunities per school year. 23564

If the school operates a preschool program that is licensed 23565  
by the department of education under sections 3301.52 to 3301.59 23566  
of the Revised Code, admission to the school may be open to 23567  
individuals who are younger than five years of age, but the school 23568  
shall not receive funds under this chapter for those individuals. 23569

(B)(1) That admission to the school may be limited to 23570  
students who have attained a specific grade level or are within a 23571  
specific age group; to students that meet a definition of 23572  
"at-risk," as defined in the contract; to residents of a specific 23573  
geographic area within the district, as defined in the contract; 23574

or to separate groups of autistic students and nondisabled students, as authorized in section 3314.061 of the Revised Code and as defined in the contract.

(2) For purposes of division (B)(1) of this section, "at-risk" students may include those students identified as gifted students under section 3324.03 of the Revised Code.

(C) Whether enrollment is limited to students who reside in the district in which the school is located or is open to residents of other districts, as provided in the policy adopted pursuant to the contract.

(D)(1) That there will be no discrimination in the admission of students to the school on the basis of race, creed, color, disability, or sex except that:

(a) The governing authority may do either of the following for the purpose described in division (G) of this section:

(i) Establish a single-gender school for either sex;

(ii) Establish single-gender schools for each sex under the same contract, provided substantially equal facilities and learning opportunities are offered for both boys and girls. Such facilities and opportunities may be offered for each sex at separate locations.

(b) The governing authority may establish a school that simultaneously serves a group of students identified as autistic and a group of students who are not disabled, as authorized in section 3314.061 of the Revised Code. However, unless the total capacity established for the school has been filled, no student with any disability shall be denied admission on the basis of that disability.

(2) That upon admission of any student with a disability, the community school will comply with all federal and state laws

regarding the education of students with disabilities. 23605

(E) That the school may not limit admission to students on 23606  
the basis of intellectual ability, measures of achievement or 23607  
aptitude, or athletic ability, except that a school may limit its 23608  
enrollment to students as described in division (B) of this 23609  
section. 23610

(F) That the community school will admit the number of 23611  
students that does not exceed the capacity of the school's 23612  
programs, classes, grade levels, or facilities. 23613

(G) That the purpose of single-gender schools that are 23614  
established shall be to take advantage of the academic benefits 23615  
some students realize from single-gender instruction and 23616  
facilities and to offer students and parents residing in the 23617  
district the option of a single-gender education. 23618

(H) That, except as otherwise provided under division (B) of 23619  
this section or section 3314.061 of the Revised Code, if the 23620  
number of applicants exceeds the capacity restrictions of division 23621  
(F) of this section, students shall be admitted by lot from all 23622  
those submitting applications, except preference shall be given to 23623  
students attending the school the previous year and to students 23624  
who reside in the district in which the school is located. 23625  
Preference may be given to siblings of students attending the 23626  
school the previous year. Preference also may be given to students 23627  
who are the children of full-time staff members employed by the 23628  
school, provided the total number of students receiving this 23629  
preference is less than five per cent of the school's total 23630  
enrollment. 23631

Notwithstanding divisions (A) to (H) of this section, in the 23632  
event the racial composition of the enrollment of the community 23633  
school is violative of a federal desegregation order, the 23634  
community school shall take any and all corrective measures to 23635

comply with the desegregation order. 23636

**Sec. 3314.088.** (A) As used in this section: 23637

(1) "Base per pupil amount" has the same meaning as in 23638  
section 3317.0219 of the Revised Code. 23639

(2) "Eligible school district" has the same meaning as in 23640  
division (C)(1) of section 3317.0219 of the Revised Code. 23641

(3) "Resident district" has the same meaning as in section 23642  
3314.08 of the Revised Code. 23643

(B) Subject to division (E) of this section, for fiscal years 23644  
~~2020~~ 2022 and ~~2021~~ 2023, the department of education shall 23645  
calculate and pay to each community school that is not an 23646  
internet- or computer-based community school student wellness and 23647  
success funds, on a full-time equivalency basis, for each student 23648  
enrolled in the school in the immediately preceding fiscal year in 23649  
an amount equal to the following: 23650

(The base per pupil amount of the student's resident district for 23651  
that fiscal year + the scaled amount of the student's resident 23652  
district, if any, computed under division (B)(4) of section 23653  
3317.0219 of the Revised Code) 23654

However, each community school shall receive a minimum 23655  
payment of ~~\$25,000~~ \$45,720, for fiscal year ~~2020~~ 2022, or ~~\$36,000~~ 23656  
\$56,160, for fiscal year ~~2021~~ 2023. 23657

(C) Subject to division (E) of this section, for fiscal years 23658  
~~2020~~ 2022 and ~~2021~~ 2023, the department shall pay student wellness 23659  
and success funds to each internet- or computer-based community 23660  
school in an amount equal to ~~\$25,000~~ \$45,720, for fiscal year ~~2020~~ 23661  
2022, or ~~\$36,000~~ \$56,160, for fiscal year ~~2021~~ 2023. 23662

(D) Subject to division (E) of this section, for fiscal years 23663  
~~2020~~ 2022 and ~~2021~~ 2023, the department shall pay to each 23664  
community school that is not an internet- or computer-based 23665

community school student wellness and success enhancement funds, 23666  
on a full-time equivalency basis, for each student enrolled in the 23667  
school in the immediately preceding fiscal year whose resident 23668  
district is an eligible school district, in an amount equal to the 23669  
following: 23670

The amount paid to the student's resident district under division 23671  
(C)(2) of section 3317.0219 of the Revised Code for that fiscal 23672  
year / the enrolled ADM of the student's resident district for the 23673  
immediately preceding fiscal year 23674

(E) The department shall pay funds under divisions (B), (C), 23675  
and (D) of this section as follows: 23676

(1) One-half of the amount shall be paid not later than the 23677  
thirty-first day of October of the fiscal year for which the 23678  
payment is calculated. 23679

(2) One-half of the amount shall be paid not later than the 23680  
twenty-eighth day of February of the fiscal year for which the 23681  
payment is calculated. 23682

Upon making a payment for a fiscal year under this section, 23683  
the department shall not make any reconciliations or adjustments 23684  
to that payment. 23685

(F) A community school that receives a payment under this 23686  
section shall comply with section 3317.26 of the Revised Code. 23687

**Sec. 3314.091.** (A) A school district is not required to 23688  
provide transportation for any native student enrolled in a 23689  
community school if the district board of education has entered 23690  
into an agreement with the community school's governing authority 23691  
that designates the community school as responsible for providing 23692  
or arranging for the transportation of the district's native 23693  
students to and from the community school. For any such agreement 23694  
to be effective, it must be certified by the superintendent of 23695

public instruction as having met all of the following requirements: 23696  
23697

(1) It is submitted to the department of education by a deadline which shall be established by the department. 23698  
23699

(2) In accordance with divisions (C)(1) and (2) of this section, it specifies qualifications, such as residing a minimum distance from the school, for students to have their transportation provided or arranged. 23700  
23701  
23702  
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(3) The transportation provided by the community school is subject to all provisions of the Revised Code and all rules adopted under the Revised Code pertaining to pupil transportation. 23704  
23705  
23706

(4) The sponsor of the community school also has signed the agreement. 23707  
23708

(B)(1) For the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school, if the community school during the previous school year transported the students enrolled in the school or arranged for the students' transportation, even if that arrangement consisted of having parents transport their children to and from the school, but did not enter into an agreement to transport or arrange for transportation for those students under division (A) of this section, and if the governing authority of the community school by July 15, 2007, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school. 23709  
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(2) Except as provided in division (B)(4) of this section, for any school year subsequent to the school year that begins on 23724  
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July 1, 2007, a school district is not required to provide 23726  
transportation for any native student enrolled in a community 23727  
school if the governing authority of the community school, by the 23728  
~~thirty-first~~ first day of ~~January of the previous school year~~ 23729  
August, submits written notification to the district board of 23730  
education stating that the governing authority is accepting 23731  
responsibility for providing or arranging for the transportation 23732  
of the district's native students to and from the community 23733  
school. If the governing authority of the community school has 23734  
previously accepted responsibility for providing or arranging for 23735  
the transportation of a district's native students to and from the 23736  
community school, under division (B)(1) or (2) of this section, 23737  
and has since relinquished that responsibility under division 23738  
(B)(3) of this section, the governing authority shall not accept 23739  
that responsibility again unless the district board consents to 23740  
the governing authority's acceptance of that responsibility. 23741

(3) A governing authority's acceptance of responsibility 23742  
under division (B)(1) or (2) of this section shall cover an entire 23743  
school year, and shall remain in effect for subsequent school 23744  
years unless the governing authority submits written notification 23745  
to the district board that the governing authority is 23746  
relinquishing the responsibility. However, a governing authority 23747  
shall not relinquish responsibility for transportation before the 23748  
end of a school year, and shall submit the notice relinquishing 23749  
responsibility by the thirty-first day of January, in order to 23750  
allow the school district reasonable time to prepare 23751  
transportation for its native students enrolled in the school. 23752

(4)(a) For any school year that begins on or after July 1, 23753  
2014, a school district is not required to provide transportation 23754  
for any native student enrolled in a community school scheduled to 23755  
open for operation in the current school year, if the governing 23756  
authority of the community school, by the fifteenth day of April 23757

of the previous school year, submits written notification to the 23758  
district board of education stating that the governing authority 23759  
is accepting responsibility for providing or arranging for the 23760  
transportation of the district's native students to and from the 23761  
community school. 23762

(b) The governing authority of a community school that 23763  
accepts responsibility for transporting its students under 23764  
division (B)(4)(a) of this section shall comply with divisions 23765  
(B)(2) and (3) of this section to renew or relinquish that 23766  
authority for subsequent school years. 23767

(C)(1) A community school governing authority that enters 23768  
into an agreement under division (A) of this section, or that 23769  
accepts responsibility under division (B) of this section, shall 23770  
provide or arrange transportation free of any charge for each of 23771  
its enrolled students who is required to be transported under 23772  
section 3327.01 of the Revised Code. The governing authority shall 23773  
report to the department of education the number of students 23774  
transported or for whom transportation is arranged under this 23775  
section in accordance with rules adopted by the state board of 23776  
education. 23777

(2) The governing authority may provide or arrange 23778  
transportation for any other enrolled student who is not eligible 23779  
for transportation in accordance with division (C)(1) of this 23780  
section and may charge a fee for such service up to the actual 23781  
cost of the service. 23782

(3) Notwithstanding anything to the contrary in division 23783  
(C)(1) or (2) of this section, a community school governing 23784  
authority shall provide or arrange transportation free of any 23785  
charge for any disabled student enrolled in the school for whom 23786  
the student's individualized education program developed under 23787  
Chapter 3323. of the Revised Code specifies transportation. 23788

(D)(1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of this section, the department of education shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C)(1) of this section.

If a community school governing authority accepts transportation responsibility under division (B) of this section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C)(1) of this section, calculated as follows:

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of this section.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with section 3317.0212 of the Revised Code and any rules of the state board of education implementing

that section, the payment to the community school shall be the amount so calculated on a per rider basis that otherwise would be paid to the school district in which the student is entitled to attend school by the method of transportation the district would have used. The community school, however, is not required to use the same method to transport that student.

(c) Divisions (D)(1)(a) and (b) of this section do not apply to fiscal years 2012 and 2013. Rather, for each of those fiscal years, the per pupil payment to a community school for transporting a student shall be the total amount paid under former section 3306.12 of the Revised Code for fiscal year 2011 to the school district in which the child is entitled to attend school divided by that district's "qualifying ridership," as defined in that section for fiscal year 2011.

As used in this division "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(2) The department shall deduct the payment under division (D)(1) of this section from the state education aid, as defined in section 3314.08 of the Revised Code, and, if necessary, the payment under sections 321.14 and 323.156 of the Revised Code, that is otherwise paid to the school district in which the student enrolled in the community school is entitled to attend school. The department shall include the number of the district's native students for whom payment is made to a community school under division (D)(1) of this section in the calculation of the district's transportation payment under section 3317.0212 of the Revised Code and the operating appropriations act.

(3) A community school shall be paid under division (D)(1) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of this section, and whose transportation to and from school is actually

provided, who actually utilized transportation arranged, or for 23852  
whom a payment in lieu of transportation is made by the community 23853  
school's governing authority. To qualify for the payments, the 23854  
community school shall report to the department, in the form and 23855  
manner required by the department, data on the number of students 23856  
transported or whose transportation is arranged, the number of 23857  
miles traveled, cost to transport, and any other information 23858  
requested by the department. 23859

(4) A community school shall use payments received under this 23860  
section solely to pay the costs of providing or arranging for the 23861  
transportation of students who are eligible as specified in 23862  
section 3327.01 of the Revised Code and division (C)(1) of this 23863  
section, which may include payments to a parent, guardian, or 23864  
other person in charge of a child in lieu of transportation. 23865

(E) Except when arranged through payment to a parent, 23866  
guardian, or person in charge of a child, transportation provided 23867  
or arranged for by a community school pursuant to an agreement 23868  
under this section is subject to all provisions of the Revised 23869  
Code, and all rules adopted under the Revised Code, pertaining to 23870  
the construction, design, equipment, and operation of school buses 23871  
and other vehicles transporting students to and from school. The 23872  
drivers and mechanics of the vehicles are subject to all 23873  
provisions of the Revised Code, and all rules adopted under the 23874  
Revised Code, pertaining to drivers and mechanics of such 23875  
vehicles. The community school also shall comply with sections 23876  
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 23877  
of section 3327.16 of the Revised Code and, subject to division 23878  
(C)(1) of this section, sections 3327.01 and 3327.02 of the 23879  
Revised Code, as if it were a school district. 23880

**Sec. 3314.101.** (A) As used in this section, "license" has the 23881  
same meaning as in section 3319.31 of the Revised Code. 23882

(B) If a person who is employed by a community school 23883  
established under this chapter or by an operator is arrested, 23884  
summoned, or indicted for an alleged violation of an offense 23885  
listed in division (C) of section 3319.31 of the Revised Code, if 23886  
the person holds a license, or an offense listed in division 23887  
(B)(1) of section 3319.39 of the Revised Code, if the person does 23888  
not hold a license, the chief administrator of the community 23889  
school in which that person works shall suspend that person from 23890  
all duties that require the care, custody, or control of a child 23891  
during the pendency of the criminal action against the person. If 23892  
the person who is arrested, summoned, or indicted for an alleged 23893  
violation of an offense listed in division (C) of section 3319.31 23894  
or division (B)(1) of section 3319.39 of the Revised Code is the 23895  
chief administrator of the community school, the governing 23896  
authority of the school shall suspend the chief administrator from 23897  
all duties that require the care, custody, or control of a child. 23898

(C) When a person who holds a license is suspended in 23899  
accordance with this section, the chief administrator or governing 23900  
authority that imposed the suspension promptly shall report the 23901  
person's suspension to the department of education. The report 23902  
shall include the offense for which the person was arrested, 23903  
summoned, or indicted. The superintendent of public instruction, 23904  
on behalf of the state board of education, shall inactivate the 23905  
person's license. The inactivation shall remain in force during 23906  
the pendency of the criminal action against the person. The 23907  
inactivation of a license under this division does not constitute 23908  
a suspension or revocation of the license by the state board under 23909  
section 3319.31 of the Revised Code, and the state board and the 23910  
state superintendent need not provide the person with an 23911  
opportunity for a hearing with respect to the inactivation. If the 23912  
state board does not take action against the person's license 23913  
under section 3319.31 of the Revised Code, the state 23914  
superintendent shall reactivate the license upon conclusion of the 23915

criminal action against the person. 23916

**Sec. 3317.024.** The following shall be distributed monthly, 23917  
quarterly, or annually as may be determined by the state board of 23918  
education: 23919

(A) An amount for each island school district and each joint 23920  
state school district for the operation of each high school and 23921  
each elementary school maintained within such district and for 23922  
capital improvements for such schools. Such amounts shall be 23923  
determined on the basis of standards adopted by the state board of 23924  
education. However, for fiscal years 2012 and 2013, an island 23925  
district shall receive the lesser of its actual cost of operation, 23926  
as certified to the department of education, or ninety-three per 23927  
cent of the amount the district received in state operating 23928  
funding for fiscal year 2011. If an island district received no 23929  
funding for fiscal year 2011, it shall receive no funding for 23930  
either of fiscal year 2012 or 2013. 23931

(B) An amount for each school district required to pay 23932  
tuition for a child in an institution maintained by the department 23933  
of youth services pursuant to section 3317.082 of the Revised 23934  
Code, provided the child was not included in the calculation of 23935  
the district's formula ADM, as that term is defined in section 23936  
3317.02 of the Revised Code, for the preceding school year. 23937

(C) An amount for the approved cost of transporting eligible 23938  
pupils with disabilities attending a special education program 23939  
approved by the department of education whom it is impossible or 23940  
impractical to transport by regular school bus in the course of 23941  
regular route transportation provided by the school district or 23942  
educational service center. No district or service center is 23943  
eligible to receive a payment under this division for the cost of 23944  
transporting any pupil whom it transports by regular school bus 23945  
and who is included in the district's transportation ADM. The 23946

state board of education shall establish standards and guidelines 23947  
for use by the department of education in determining the approved 23948  
cost of such transportation for each district or service center. 23949

(D) An amount to each school district, including each 23950  
cooperative education school district, pursuant to section 3313.81 23951  
of the Revised Code to assist in providing free lunches to needy 23952  
children. The amounts shall be determined on the basis of rules 23953  
adopted by the state board of education. 23954

(E)(1) An amount for auxiliary services to each school 23955  
district, for each pupil attending a chartered nonpublic 23956  
elementary or high school within the district that ~~is either of~~ 23957  
~~the following:~~ 23958

~~(a) A school affiliated with a religious order, sect, church,~~ 23959  
~~or denomination or has a curriculum or mission that contains~~ 23960  
~~religious content, religious courses, devotional exercises,~~ 23961  
~~religious training, or any other religious activity;~~ 23962

~~(b) A school not described in division (E)(1)(a) of this~~ 23963  
~~section that~~ has not elected to receive funds under division 23964  
(E)(2) of this section. 23965

(2) An amount for auxiliary services paid directly to each 23966  
chartered nonpublic school that has elected to receive funds under 23967  
division (E)(2) of this section for each pupil attending the 23968  
school. To elect to receive funds under division (E)(2) of this 23969  
section, a school, by the first day of April of each odd-numbered 23970  
year, shall notify the department and the school district in which 23971  
the school is located of the election and shall submit to the 23972  
department an affidavit certifying that the school ~~is not~~ 23973  
~~affiliated with a religious order, sect, church, or denomination~~ 23974  
~~and does not have a curriculum or mission that contains religious~~ 23975  
~~content, religious courses, devotional exercises, religious~~ 23976  
~~training, or any other religious activity~~ shall expend the funds 23977

in the manner outlined in section 3317.062 of the Revised Code. 23978  
The election shall take effect the following first day of July, 23979  
~~unless the department determines that the school meets the~~ 23980  
~~criteria in division (E)(1)(a) of this section.~~ The school 23981  
subsequently may rescind its election, but it may do so only in an 23982  
odd-numbered year by notifying the department and the school 23983  
district in which the school is located of the rescission not 23984  
later than the first day of April of that year. Beginning the 23985  
following first day of July after the rescission, the school shall 23986  
receive funds under division (E)(1) of this section. 23987

The amount paid under divisions (E)(1) and (2) of this 23988  
section shall equal the total amount appropriated for the 23989  
implementation of sections 3317.06 and 3317.062 of the Revised 23990  
Code divided by the average daily membership in grades 23991  
kindergarten through twelve in chartered nonpublic elementary and 23992  
high schools within the state as determined as of the last day of 23993  
October of each school year. 23994

(F) An amount for each county board of developmental 23995  
disabilities, distributed on the basis of standards adopted by the 23996  
state board of education, for the approved cost of transportation 23997  
required for children attending special education programs 23998  
operated by the county board under section 3323.09 of the Revised 23999  
Code; 24000

(G) An amount to each institution defined under section 24001  
3317.082 of the Revised Code providing elementary or secondary 24002  
education to children other than children receiving special 24003  
education under section 3323.091 of the Revised Code. This amount 24004  
for any institution in any fiscal year shall equal the total of 24005  
all tuition amounts required to be paid to the institution under 24006  
division (A)(1) of section 3317.082 of the Revised Code. 24007

The state board of education or any other board of education 24008  
or governing board may provide for any resident of a district or 24009

educational service center territory any educational service for 24010  
which funds are made available to the board by the United States 24011  
under the authority of public law, whether such funds come 24012  
directly or indirectly from the United States or any agency or 24013  
department thereof or through the state or any agency, department, 24014  
or political subdivision thereof. 24015

**Sec. 3317.0212.** (A) As used in this section: 24016

(1) "Qualifying riders" means resident students enrolled in 24017  
regular education in grades kindergarten to twelve who are 24018  
provided school bus service by a school district and who live more 24019  
than one mile from the school they attend, including students with 24020  
dual enrollment in a joint vocational school district or a 24021  
cooperative education school district, and students enrolled in a 24022  
community school, STEM school, or nonpublic school. 24023

(2) "Qualifying ridership" means the greater of the average 24024  
number of qualifying riders counted in the morning or counted in 24025  
the afternoon who are provided school bus service by a school 24026  
district during the first full week of October that the district 24027  
is in session with students in attendance. 24028

(3) "Rider density" means the total ADM per square mile of a 24029  
school district. 24030

(4) "School bus service" means a school district's 24031  
transportation of qualifying riders in any of the following types 24032  
of vehicles: 24033

(a) School buses owned or leased by the district; 24034

(b) School buses operated by a private contractor hired by 24035  
the district; 24036

(c) School buses operated by another school district or 24037  
entity with which the district has contracted, either as part of a 24038  
consortium for the provision of transportation or otherwise. 24039

(B) Not later than the ~~fifteenth~~ first day of ~~October~~ November each year, each city, local, and exempted village school district shall report to the department of education its qualifying ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for

school bus service for the remaining districts in the previous 24071  
fiscal year by the aggregate miles driven for school bus service 24072  
in those districts in the previous fiscal year. 24073

(E) The department shall calculate each city, local, and 24074  
exempted village school district's transportation payment as 24075  
follows: 24076

(1) Multiply the statewide transportation cost per student by 24077  
the district's qualifying ridership for the current fiscal year. 24078

(2) Multiply the statewide transportation cost per mile by 24079  
the district's total number of miles driven for school bus service 24080  
in the current fiscal year. 24081

(3) Multiply the greater of the amounts calculated under 24082  
divisions (E)(1) and (2) of this section by the following: 24083

(a) For fiscal year 2018, the greater of thirty-seven and 24084  
one-half per cent or the district's state share index, as defined 24085  
in section 3317.02 of the Revised Code; 24086

(b) For fiscal year 2019, the greater of twenty-five per cent 24087  
or the district's state share index. 24088

(F) In addition to funds paid under division (E) of this 24089  
section, each city, local, and exempted village district shall 24090  
receive in accordance with rules adopted by the state board of 24091  
education a payment for students transported by means other than 24092  
school bus service and whose transportation is not funded under 24093  
division (C) of section 3317.024 of the Revised Code. The rules 24094  
shall include provisions for school district reporting of such 24095  
students. 24096

(G)(1) For purposes of division (G) of this section, a school 24097  
district's "transportation supplement percentage" means the 24098  
following quotient: 24099

(50 - the district's rider density) / 100 24100

If the result of the calculation for a district under 24101  
division (G)(1) of this section is less than zero, the district's 24102  
transportation supplement percentage shall be zero. 24103

(2) The department shall pay each district a transportation 24104  
supplement calculated according to the following formula: 24105

The district's transportation supplement percentage X the amount 24106  
calculated for the district under division (E)(2) of this section 24107  
X 0.55 24108

**Sec. 3317.0219.** (A) As used in this section: 24109

(1) A district's "base per pupil amount" means the following: 24110

(a) For a district in the highest quintile determined under 24111  
division (B)(2) of this section, ~~\$250~~ \$457, for fiscal year ~~2020~~ 24112  
2022, and ~~\$360~~ \$562, for fiscal year ~~2021~~ 2023. 24113

(b) For a district in the second highest quintile determined 24114  
under division (B)(2) of this section, ~~\$200~~ \$368, for fiscal year 24115  
~~2020~~ 2022, and ~~\$290~~ \$452, for fiscal year ~~2021~~ 2023. 24116

(c) For a district in the third highest quintile determined 24117  
under division (B)(2) of this section, ~~\$110~~ \$197, for fiscal year 24118  
~~2020~~ 2022, and ~~\$155~~ \$242, for fiscal year ~~2021~~ 2023. 24119

(d) For a district in the fourth highest quintile determined 24120  
under division (B)(2) of this section, ~~\$50~~ \$89, for fiscal year 24121  
~~2020~~ 2022, and ~~\$70~~ \$109, for fiscal year ~~2021~~ 2023. 24122

(e) For a district in the fifth highest quintile determined 24123  
under division (B)(2) of this section, ~~\$20~~ \$38, for fiscal year 24124  
~~2020~~ 2022, and ~~\$30~~ \$47, for fiscal year ~~2021~~ 2023. 24125

(2) "Base poverty percentage" for a quintile determined under 24126  
division (B)(2) of this section means the poverty percentage of 24127  
the district ranked lowest in that quintile. 24128

(3) "Enrolled ADM" means, for a city, local, or exempted 24129

village school district, the enrollment reported under division 24130  
(A) of section 3317.03 of the Revised Code, as verified by the 24131  
superintendent of public instruction and adjusted if so ordered 24132  
under division (K) of that section, and as further adjusted by the 24133  
department of education, as follows: 24134

(a) Add the students counted under division (A)(1)(b) of 24135  
section 3317.03 of the Revised Code. 24136

(b) Subtract the students counted under divisions (A)(2)(a), 24137  
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 24138  
Code. 24139

(c) Subtract the students counted under division (A)(3) of 24140  
section 3317.03 of the Revised Code. 24141

(B) Subject to division (D) of this section, for fiscal years 24142  
~~2020~~ 2022 and ~~2021~~ 2023, the department of education shall 24143  
calculate and pay student wellness and success funds to city, 24144  
local, and exempted village school districts as follows: 24145

(1) Using the ~~most-recent~~ five-year estimates published by 24146  
the United States census bureau in the 2015-2019 American 24147  
community survey ~~or its successor report~~, compute the poverty 24148  
percentage for each district, which equals the following quotient: 24149  
The number of children younger than eighteen years old residing in 24150  
the district who live in a household with a family income below 24151  
one hundred eighty-five per cent of the federal poverty 24152  
guidelines, as defined in section 5101.46 of the Revised Code / 24153  
the total number of children younger than eighteen years old 24154  
residing in the district 24155

(2) Rank all city, local, and exempted village school 24156  
districts in order of poverty percentage calculated under division 24157  
(B)(1) of this section, from the district with the highest 24158  
percentage to the district with the lowest percentage, and group 24159  
the districts into quintiles. 24160

(3) Determine each district's enrolled ADM for the 24161  
immediately preceding fiscal year. If a district's enrolled ADM 24162  
for the immediately preceding fiscal year is determined to be less 24163  
than five, the district's enrolled ADM, for purposes of 24164  
computations under this section, shall be zero. 24165

(4) For each district that is not in the highest quintile 24166  
determined under division (B)(2) of this section, compute the 24167  
district's scaled amount, which is equal to the following 24168  
quotient: 24169

[(The district's poverty percentage computed under division (B)(1) 24170  
of this section - the base poverty percentage of the district's 24171  
quintile) / (the base poverty percentage of the quintile that is 24172  
the next highest quintile compared to the district's quintile - 24173  
the base poverty percentage of the district's quintile)] X (the 24174  
base per pupil amount for a district in the quintile that is the 24175  
next highest quintile compared to the district's quintile - the 24176  
district's base per pupil amount) 24177

(5) Compute a district's payment as follows: 24178

(a) Subject to division (B)(5)(c) of this section, if a 24179  
district is in the highest quintile determined under division 24180  
(B)(2) of this section, the district's payment shall be equal to 24181  
the following amount: 24182

The district's base per pupil amount for that fiscal year X the 24183  
district's enrolled ADM determined under division (B)(3) of this 24184  
section 24185

(b) Subject to division (B)(5)(c) of this section, if a 24186  
district is not in the highest quintile determined under division 24187  
(B)(2) of this section, the district's payment shall be equal to 24188  
the following amount: 24189

(The district's base per pupil amount for that fiscal year + the 24190  
district's scaled amount computed under division (B)(4) of this 24191

section for that fiscal year) X the district's enrolled ADM 24192  
determined under division (B)(3) of this section 24193

(c) If the computation of a district's payment under division 24194  
(B)(5)(a) or (b) of this section is greater than zero but less 24195  
than ~~\$25,000~~ \$45,720, for fiscal year ~~2020~~ 2022, or ~~\$36,000~~ 24196  
\$56,160, for fiscal year ~~2021~~ 2023, the district's payment shall 24197  
be equal to ~~\$25,000~~ \$45,720, for fiscal year ~~2020~~ 2022, or ~~\$36,000~~ 24198  
\$56,160, for fiscal year ~~2021~~ 2023. 24199

If the computation of a district's payment under division 24200  
(B)(5)(a) or (b) of this section is equal to zero, the district's 24201  
payment shall be equal to zero. 24202

(C)(1) As used in division (C) of this section: 24203

(a) "Eligible school district" means a city, local, or 24204  
exempted village school district that received supplemental 24205  
targeted assistance funding under division (B) of section 24206  
3317.0217 of the Revised Code for fiscal year 2019. 24207

(b) A district's "enhancement percentage for a fiscal year" 24208  
means the square of the quotient of the poverty percentage 24209  
calculated for the district for that fiscal year under division 24210  
(B)(1) of this section divided by 0.36. 24211

(2) Subject to division (D) of this section, for fiscal years 24212  
~~2020~~ 2022 and ~~2021~~ 2023, the department shall pay student wellness 24213  
and success enhancement funds to each eligible city, local, and 24214  
exempted village school district in an amount equal to the 24215  
following product: 24216

~~(\$50, for fiscal year 2020, or \$75, for fiscal year 2021)~~ X the 24217  
district's enhancement percentage for that fiscal year X the 24218  
district's enrolled ADM for the immediately preceding fiscal year 24219

(D) The department shall pay funds under divisions (B) and 24220  
(C) of this section as follows: 24221

(1) One-half of the amount shall be paid not later than the 24222

thirty-first day of October of the fiscal year for which the 24223  
payment is calculated. 24224

(2) One-half of the amount shall be paid not later than the 24225  
twenty-eighth day of February of the fiscal year for which the 24226  
payment is calculated. 24227

Upon making a payment for a fiscal year under this section, 24228  
the department shall not make any reconciliations or adjustments 24229  
to that payment. 24230

(E) A city, local, or exempted village school district that 24231  
receives a payment under this section shall comply with section 24232  
3317.26 of the Revised Code. 24233

**Sec. 3317.163.** (A) As used in this section: 24234

(1) "Base per pupil amount" has the same meaning as in 24235  
section 3317.0219 of the Revised Code. 24236

(2) "Eligible school district" has the same meaning as in 24237  
division (C)(1) of section 3317.0219 of the Revised Code. 24238

(3) "Resident district" means the city, local, or exempted 24239  
village school district in which a student is entitled to attend 24240  
school pursuant to section 3313.64 or 3313.65 of the Revised Code. 24241

(B) Subject to division (D) of this section, for fiscal years 24242  
~~2020~~ 2022 and ~~2021~~ 2023, the department of education shall 24243  
calculate and pay to each joint vocational school district student 24244  
wellness and success funds, on a full-time equivalency basis, for 24245  
each student enrolled in the district in the immediately preceding 24246  
fiscal year in an amount equal to the following: 24247

(The base per pupil amount of the student's resident district for 24248  
that fiscal year + the scaled amount of the student's resident 24249  
district, if any, computed under division (B)(4) of section 24250  
3317.0219 of the Revised Code) 24251

However, each joint vocational school district shall receive 24252

a minimum payment of ~~\$25,000~~ \$45,720, for fiscal year ~~2020~~ 2022, 24253  
or ~~\$36,000~~ \$56,160 for fiscal year ~~2021~~ 2023. 24254

(C) Subject to division (D) of this section, for fiscal years 24255  
~~2020~~ 2022 and ~~2021~~ 2023, the department shall pay to each joint 24256  
vocational school district student wellness and success 24257  
enhancement funds, on a full-time equivalency basis, for each 24258  
student enrolled in the district in the immediately preceding 24259  
fiscal year whose resident district is an eligible school 24260  
district, in an amount equal to the following: 24261

The amount paid to the student's resident district under division 24262

(C)(2) of section 3317.0219 of the Revised Code for that fiscal 24263  
year / the enrolled ADM of the student's resident district for the 24264  
immediately preceding fiscal year 24265

(D) The department shall pay funds under divisions (B) and 24266  
(C) of this section as follows: 24267

(1) One-half of the amount shall be paid not later than the 24268  
thirty-first day of October of the fiscal year for which the 24269  
payment is calculated. 24270

(2) One-half of the amount shall be paid not later than the 24271  
twenty-eighth day of February of the fiscal year for which the 24272  
payment is calculated. 24273

Upon making a payment for a fiscal year under this section, 24274  
the department shall not make any reconciliations or adjustments 24275  
to that payment. 24276

(E) A joint vocational school district that receives a 24277  
payment under this section shall comply with section 3317.26 of 24278  
the Revised Code. 24279

**Sec. 3317.26.** (A) As used in this section, "student wellness 24280  
and success funds" means the following: 24281

(1) For a city, local, or exempted village school district, 24282

the funds received under section 3317.0219 of the Revised Code;	24283
(2) For a joint vocational school district, the funds received under section 3317.163 of the Revised Code.	24284 24285
(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under section 3314.088 of the Revised Code.	24286 24287 24288
(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under section 3326.42 of the Revised Code.	24289 24290 24291
(B) In any fiscal year, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the student wellness and success funds it receives for any of the following initiatives or a combination of any of the following initiatives:	24292 24293 24294 24295 24296
(1) <u>Mental health services, including telehealth services;</u>	24297
(2) <u>Culturally appropriate, evidence-based or evidence-informed prevention education, including youth-led programming and social and emotional learning curricula to promote mental health and prevent substance use and suicide;</u>	24298 24299 24300 24301
<u>(3) Services for homeless youth;</u>	24302
<del>(3)</del> <u>(4) Services for child welfare involved youth;</u>	24303
<del>(4)</del> <u>(5) Community liaisons or programs that connect students to community resources, including city connects, communities in schools, and other similar programs;</u>	24304 24305 24306
<del>(5)</del> <u>(6) Physical health care services, including telehealth services;</u>	24307 24308
<del>(6) Mentoring programs;</del>	24309
(7) Family engagement and support services;	24310
(8) <del>City connects programming;</del>	24311

<del>(9) Professional development regarding the provision of trauma informed care;</del>	24312
	24313
<del>(10) Professional development regarding cultural competence;</del>	24314
<del>(11) Student services provided prior to or after the regularly scheduled school day or any time school is not in session, <u>including mentoring programs.</u></del>	24315
	24316
	24317
(C) Each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the student wellness and success funds it receives in coordination with <del>at least one</del> <u>both</u> of the following community partners:	24318
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(1) <u>Either of the following:</u>	24324
<u>(a) A board of alcohol, drug, and mental health services established under Chapter 340. of the Revised Code;</u>	24325
	24326
<u>(b) A community-based mental health treatment or prevention provider.</u>	24327
	24328
(2) <u>One of the following:</u>	24329
<u>(a) An educational service center;</u>	24330
<del>(3)</del> <u>(b) A county board of developmental disabilities;</u>	24331
<del>(4)</del> <u>(c) A community-based mental health treatment <u>or prevention</u> provider;</u>	24332
	24333
<del>(5)</del> <u>(d) A board of alcohol, drug, and mental health services established under Chapter 340. of the Revised Code;</u>	24334
	24335
<u>(e) A board of health of a city or general health district;</u>	24336
<del>(6)</del> <u>(f) A county department of job and family services;</u>	24337
<del>(7)</del> <u>(g) A nonprofit organization with experience serving children;</u>	24338
	24339

~~(8)~~(h) A public hospital agency. 24340

(D) After the end of each fiscal year, each city, local, 24341  
exempted village, or joint vocational school district, community 24342  
school, and STEM school shall submit a report to the department of 24343  
education, in a manner prescribed by the department, describing 24344  
the initiative or initiatives on which the district's or school's 24345  
student wellness and success funds were spent during that fiscal 24346  
year. 24347

**Sec. 3319.0812.** (A) As used in this section, "license" has 24348  
the same meaning as in section 3319.31 of the Revised Code. 24349

(B) If a school district, chartered nonpublic school, or 24350  
county board of developmental disabilities contracts with a public 24351  
or private entity for the provision of services to the district, 24352  
school, or board, any individual employed or retained by the 24353  
entity to provide the services shall hold any license that the 24354  
individual would be required to hold if the individual were 24355  
employed directly by the district, school, or board to provide the 24356  
same services. Prior to the individual commencing the provision of 24357  
services, the district, school, or board shall obtain verification 24358  
from the entity employing or retaining the individual that the 24359  
individual holds the applicable license. 24360

**Sec. 3319.151.** (A) As used in this section, "assessment" 24361  
means an assessment administered under section 3301.0711 of the 24362  
Revised Code. 24363

(B) No person shall ~~reveal~~ do any of the following: 24364

(1) ~~Reveal~~ to any student any specific question that the 24365  
person knows is part of an assessment ~~to be administered under~~ 24366  
~~section 3301.0711 of the Revised Code~~ or in any other way assist a 24367  
pupil to cheat on ~~such~~ an assessment; 24368

(2) Obtain prior knowledge of the contents of an assessment; 24369

<u>(3) Use prior knowledge of the contents of an assessment to assist students in preparing for the assessment;</u>	24370
	24371
<u>(4) Fail to comply with any rule adopted by the department of education regarding security protocols for an assessment.</u>	24372
	24373
<del>(B)(C)</del> On a finding by the state board of education, after investigation, that a school employee who holds a license issued under sections 3319.22 to, as defined in section 3319.31 of the Revised Code, has violated division <del>(A)</del> (B) of this section, the license of such teacher shall be suspended for one year. Prior to commencing an investigation, the state board shall take any action against the employee under section 3319.31 of the Revised Code that it considers appropriate, based on the nature and extent of the violation. The state board shall give the teacher employee notice of the allegation and upon commencing an investigation and shall give the employee an opportunity to respond and present a defense prior to taking any disciplinary action.	24374
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<del>(C)</del> (D)(1) Violation of division <del>(A)</del> (B) of this section is grounds for termination of employment of a nonteaching employee under division (C) of section 3319.081 or section 124.34 of the Revised Code.	24386
	24387
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	24389
(2) Violation of division <del>(A)</del> (B) of this section is grounds for termination of a teacher contract under section 3311.82 or 3319.16 of the Revised Code.	24390
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	24392
<b>Sec. 3319.221.</b> (A) The state board of education, the department of education, any city, local, exempted village, and joint vocational school district board of education, and any other public school, as defined in section 3301.0711 of the Revised Code, shall not require a separate pupil services license issued by the state board as a credential for working in a public school, on either a permanent basis or a substitute or other temporary basis, for the following licensed professionals:	24393
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(1) A speech-language pathologist who holds a currently valid license issued under Chapter 4753. of the Revised Code; 24401  
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(2) An audiologist who holds a currently valid license issued under Chapter 4753. of the Revised Code; 24403  
24404

(3) A registered nurse who holds a bachelor's degree in nursing and a currently valid license issued under Chapter 4723. of the Revised Code; 24405  
24406  
24407

(4) A physical therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code; 24408  
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(5) An occupational therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code; 24410  
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(6) A physical therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code; 24412  
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(7) An occupational therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code; 24414  
24415

(8) A social worker who holds a currently valid license issued under Chapter 4757. of the Revised Code. 24416  
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(B) A person employed by a school district or school for any of the occupations listed in divisions (A)(1) to (8) of this section shall be required to apply for and receive a registration from the department of education. The registration shall be valid for five years. As a condition of registration under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.391 of the Revised Code. In the manner prescribed by the department, the individual shall submit the criminal records check to the department. The department shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code. 24418  
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If the department receives notification of the arrest or 24431  
conviction of an individual registered under division (B) of this 24432  
section, the department shall promptly notify the employing 24433  
district and may take any action authorized under sections 3319.31 24434  
and 3319.311 of the Revised Code that it considers appropriate. No 24435  
district shall employ any individual under division (A) of this 24436  
section if the district learns that the individual has plead 24437  
guilty to, has been found guilty by a jury or court of, or has 24438  
been convicted of or has a judicial finding of eligibility for 24439  
intervention in lieu of conviction for any of the offenses listed 24440  
in division (C) of section 3319.31 of the Revised Code, or if the 24441  
state board has refused to issue or revoked the individual's 24442  
registration under that section. 24443

(C) The department shall charge a registration fee of one 24444  
hundred fifty dollars each for the initial registration and one 24445  
hundred fifty dollars for renewal of the registration. 24446

**Sec. 3319.227.** (A) Notwithstanding any other provision of the 24447  
Revised Code or any rule adopted by the state board of education 24448  
to the contrary, the state board shall issue a resident educator 24449  
license under section 3319.22 of the Revised Code to each person 24450  
who is assigned to teach in this state as a participant in the 24451  
teach for America program and who satisfies the following 24452  
conditions for the duration of the program: 24453

(1) Holds a bachelor's degree from an accredited institution 24454  
of higher education; 24455

(2) Maintained a cumulative undergraduate grade point average 24456  
of at least 2.5 out of 4.0, or its equivalent; 24457

(3) Has passed an examination prescribed by the state board 24458  
in the subject area to be taught; 24459

(4) Has successfully completed the summer training institute 24460

operated by teach for America; 24461

(5) Remains an active member of the teach for America 24462  
two-year support program. 24463

(B) The state board shall issue a resident educator license 24464  
under this section for teaching in any grade level or subject area 24465  
for which a person may obtain a resident educator license under 24466  
section 3319.22 of the Revised Code. The state board shall not 24467  
adopt rules establishing any additional qualifications for the 24468  
license beyond those specified in this section. 24469

(C) Notwithstanding any other provision of the Revised Code 24470  
or any rule adopted by the state board to the contrary, the state 24471  
board shall issue a resident educator license under section 24472  
3319.22 of the Revised Code to any applicant who has completed at 24473  
least two years of teaching in another state as a participant in 24474  
the teach for America program and meets all of the conditions of 24475  
divisions (A)(1) to (4) of this section. The state board shall 24476  
credit an applicant under this division as having completed two 24477  
years of the teacher residency program under section 3319.223 of 24478  
the Revised Code. 24479

(D) In order to place teachers in this state, the teach for 24480  
America program shall enter into an agreement with one or more 24481  
accredited four-year public or private institutions of higher 24482  
education in the state to provide optional training of teach for 24483  
America participants for the purpose of enabling those 24484  
participants to complete an optional master's degree or an 24485  
equivalent amount of coursework. Nothing in this division shall 24486  
require any teach for America participant to complete a master's 24487  
degree as a condition of holding a license issued under this 24488  
section. 24489

(E) The superintendent of public instruction, on behalf of 24490  
the state board, shall ~~revoke~~ inactivate a resident educator 24491

license issued to a participant in the teach for America program 24492  
who is assigned to teach in this state if the participant resigns 24493  
or is dismissed from the program prior to completion of the 24494  
two-year teach for America support program. The inactivation of a 24495  
license under this division does not constitute a suspension or 24496  
revocation of the license by the state board under section 3319.31 24497  
of the Revised Code and the state board and the state 24498  
superintendent need not provide the person with an opportunity for 24499  
a hearing with respect to the inactivation. 24500

**Sec. 3319.229.** (A)(1) Notwithstanding the repeal of former 24501  
section 3319.229 of the Revised Code by ~~this act~~ S.B. 216 of the 24502  
132nd general assembly, the state board of education shall accept 24503  
applications for new, and for renewal of, professional 24504  
career-technical teaching licenses through June 30, 2019, and 24505  
issue them on the basis of the applications received by that date 24506  
in accordance with the rules described in that former section. 24507  
Except as otherwise provided in divisions (A)(2) and (3) of this 24508  
section, beginning July 1, 2019, the state board shall issue 24509  
career-technical workforce development educator licenses only 24510  
under this section. 24511

(2) An individual who, on July 1, 2019, holds a professional 24512  
career-technical teaching license issued under the rules described 24513  
in former section 3319.229 of the Revised Code, may continue to 24514  
renew that license in accordance with those rules for the 24515  
remainder of the individual's teaching career. However, nothing in 24516  
this division shall be construed to prohibit the individual from 24517  
applying to the state board for a career-technical workforce 24518  
development educator license under this section. 24519

(3) An individual who, on July 1, 2019, holds an alternative 24520  
resident educator license for teaching career-technical education 24521  
issued under section 3319.26 of the Revised Code may, upon the 24522

expiration of the license, apply for a professional 24523  
career-technical teaching license issued under the rules described 24524  
in former section 3319.229 of the Revised Code. Such an individual 24525  
may continue to renew the professional license in accordance with 24526  
those rules for the remainder of the individual's teaching career. 24527  
However, nothing in this division shall be construed to prohibit 24528  
the individual from applying to the state board for a 24529  
career-technical workforce development educator license under this 24530  
section. 24531

(B) The state board, in collaboration with the chancellor of 24532  
higher education, shall adopt rules establishing standards and 24533  
requirements for obtaining a two-year initial career-technical 24534  
workforce development educator license and a five-year advanced 24535  
career-technical workforce development educator license. Each 24536  
license shall be valid for teaching career-technical education or 24537  
workforce development programs in grades four through twelve. The 24538  
rules shall require applicants for either license to have a high 24539  
school diploma or a certificate of high school equivalence as 24540  
awarded under section 3301.80 of the Revised Code or as recognized 24541  
as the equivalent of such certificate under division (C) of that 24542  
section. 24543

(C)(1) The state board shall issue an initial 24544  
career-technical workforce development educator license to an 24545  
applicant upon request from the superintendent of a school 24546  
district that has agreed to employ the applicant. In making the 24547  
request, the superintendent shall provide documentation, in 24548  
accordance with procedures prescribed by the department of 24549  
education, showing that the applicant has at least five years of 24550  
work experience, or the equivalent, in the subject area in which 24551  
the applicant will teach. The license shall be valid for teaching 24552  
only in the requesting district. The superintendent also shall 24553  
provide documentation, in accordance with procedures prescribed by 24554

the department, that the applicant is enrolled in a 24555  
career-technical workforce development educator preparation 24556  
program offered by an institution of higher education that has an 24557  
existing teacher preparatory program in place that meets all of 24558  
the following criteria: 24559

(a) Is approved by the chancellor of higher education to 24560  
provide instruction in teaching methods and principles; 24561

(b) Provides classroom support to the license holder; 24562

(c) Includes at least three semester hours of coursework in 24563  
the teaching of reading in the subject area; 24564

(d) Is aligned with career-technical education and workforce 24565  
development competencies developed by the department; 24566

(e) Uses a summative performance-based assessment developed 24567  
by the program and aligned to the competencies described in 24568  
division (C)(1)(d) of this section to evaluate the license 24569  
holder's knowledge and skills; 24570

(f) Consists of not less than twenty-four semester hours of 24571  
coursework, or the equivalent. 24572

(2) As a condition of continuing to hold the initial 24573  
career-technical workforce development license, the holder of the 24574  
license shall be participating in a career-technical workforce 24575  
development educator preparation program described in division 24576  
(C)(1) of this section. 24577

(3) The state board shall renew an initial career-technical 24578  
workforce development educator license if the supervisor of the 24579  
program described in division (C)(1) of this section and the 24580  
superintendent of the employing school district indicate that the 24581  
applicant is making sufficient progress in both the program and 24582  
the teaching position. 24583

(D) The state board shall issue an advanced career-technical 24584

workforce development educator license to an applicant who has 24585  
successfully completed the program described in division (C)(1) of 24586  
this section, as indicated by the supervisor of the program, and 24587  
who demonstrates mastery of the applicable career-technical 24588  
education and workforce development competencies described in 24589  
division (C)(1)(d) of this section in the teaching position, as 24590  
indicated by the superintendent of the employing school district. 24591

(E) The holder of an advanced career-technical workforce 24592  
development educator license shall work with a local professional 24593  
development committee established under section 3319.22 of the 24594  
Revised Code in meeting requirements for renewal of the license. 24595

(F) Notwithstanding the provisions of section 3319.226 of the 24596  
Revised Code, the state board shall not require any applicant for 24597  
an educator license for substitute teaching who holds a license 24598  
issued under this section to hold a post-secondary degree in order 24599  
to be issued a license under section 3319.226 of the Revised Code 24600  
to work as a substitute teacher for career-technical education 24601  
classes. 24602

**Sec. 3319.236.** (A) Except as provided in division (B) of this 24603  
section, a school district shall require an individual to hold a 24604  
valid educator license in computer science, or have a license 24605  
endorsement in computer technology and a passing score on a 24606  
content examination in the area of computer science, to teach 24607  
computer science courses. 24608

(B) A school district may employ an individual, for the 24609  
purpose of teaching computer science courses, who holds a valid 24610  
educator license in any of grades kindergarten through twelve, 24611  
provided the individual meets the requirements established by 24612  
rules of the state board of education to qualify for a 24613  
supplemental teaching license for teaching computer science. The 24614  
rules shall require an applicant for a supplemental teaching 24615

license to pass a content examination in the area of computer 24616  
science. The rules also shall permit an individual, after at least 24617  
two years of successfully teaching computer science courses under 24618  
the supplemental teaching license, to advance to a standard 24619  
educator license in computer science by completing a pedagogy 24620  
course applicable to the grade levels in which the individual is 24621  
teaching. However, the rules may exempt an individual teaching 24622  
computer science from the requirement to complete a pedagogy 24623  
course if the individual previously completed a pedagogy course 24624  
applicable to the grade levels in which the individual is 24625  
teaching. 24626

(C) In order for an individual to teach advanced placement 24627  
computer science courses, a school district shall require the 24628  
individual to also complete a professional development program 24629  
endorsed or provided by the organization that creates and 24630  
administers national advanced placement examinations. For this 24631  
purpose, the individual may complete the program at any time 24632  
during the calendar year. 24633

(D) Notwithstanding section 3301.012 of the Revised Code, as 24634  
used in this section, "computer science courses" means any courses 24635  
that are reported in the education management information system 24636  
established under section 3301.0714 of the Revised Code as 24637  
computer science courses. 24638

**Sec. 3319.31.** (A) As used in this section and sections 24639  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 24640  
means a certificate, license, or permit described in this chapter 24641  
or in division (B) of section 3301.071 or in section 3301.074 of 24642  
the Revised Code or a registration described in division (B) of 24643  
section 3302.151 or division (B) of section 3319.221 of the 24644  
Revised Code. 24645

(B) For any of the following reasons, the state board of 24646

education, except as provided in division ~~(H)~~(I) of this section 24647  
and in accordance with Chapter 119. and section 3319.311 of the 24648  
Revised Code, may refuse to issue a license to an applicant; may 24649  
limit a license it issues to an applicant; may suspend, revoke, or 24650  
limit a license that has been issued to any person; or may revoke 24651  
a license that has been issued to any person and has expired: 24652

(1) Engaging in an immoral act, incompetence, negligence, or 24653  
conduct that is unbecoming to the ~~applicant's or person's~~ 24654  
~~position; teaching profession. The state board need not consider~~ 24655  
~~whether there is a connection between the applicant's or person's~~ 24656  
~~immoral act, incompetence, negligence, or conduct and the~~ 24657  
~~applicant's or person's ability to perform the duties associated~~ 24658  
~~with the license or the position for which the license is issued;~~ 24659

(2) A plea of guilty to, a finding of guilt by a jury or 24660  
court of, or a conviction of any of the following: 24661

(a) A felony other than a felony listed in division (C) of 24662  
this section; 24663

(b) An offense of violence other than an offense of violence 24664  
listed in division (C) of this section; 24665

(c) A theft offense, as defined in section 2913.01 of the 24666  
Revised Code, other than a theft offense listed in division (C) of 24667  
this section; 24668

(d) A drug abuse offense, as defined in section 2925.01 of 24669  
the Revised Code, that is not a minor misdemeanor, other than a 24670  
drug abuse offense listed in division (C) of this section; 24671

(e) An offense listed in section 3319.39 of the Revised Code 24672  
other than an offense listed in division (C) of this section; 24673

(f) A violation of an ordinance of a municipal corporation 24674  
that is substantively comparable to an offense listed in divisions 24675  
(B)(2)(a) to ~~(d)~~(e) of this section. 24676

(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, for any offense listed in division (B)(2) of this section, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B)(2) or (C) of this section;

(4) Failure to comply with section 3314.40, 3319.313, 3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code.

(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of, or a judicial finding of eligibility for intervention in lieu of conviction for committing any of the offenses listed in this division by a person who holds a current or expired license or is an applicant for renewal of a license, the state board or the superintendent of public instruction, if the state board has delegated the duty pursuant to division (D) of this section, shall by a written order revoke the person's license or deny renewal of the license to the person. The state board or the superintendent shall revoke a license that has been issued to a person to whom this division applies and has expired in the same manner as a license that has not expired.

Revocation of a license or denial of renewal of a license under this division is effective immediately at the time and date that the board or superintendent issues the written order and is not subject to appeal in accordance with Chapter 119. of the Revised Code. Revocation of a license or denial of renewal of license under this division remains in force during the pendency of an appeal by the person of the plea of guilty, finding of guilt, ~~or~~ conviction, or judicial finding of eligibility for intervention in lieu of conviction that is the basis of the action taken under this division.

The state board or superintendent shall take the action 24709  
required by this division for any of the following: 24710

(1) A plea of guilty to, a finding of guilt by a jury or 24711  
court of, or a conviction of, or a judicial finding of eligibility 24712  
for intervention in lieu of conviction for a violation of division 24713  
(B)(1), (2), (3), or (4) of section 2919.22 of the Revised Code; a 24714  
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 24715  
2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.11, 24716  
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 24717  
2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 24718  
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 24719  
2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 24720  
2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 2917.33, 24721  
2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 2921.05, 24722  
2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 24723  
2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 24724  
2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 24725  
2927.24, or 3716.11 of the Revised Code; a violation of section 24726  
2905.04 of the Revised Code as it existed prior to July 1, 1996; a 24727  
violation of section 2919.23 of the Revised Code that would have 24728  
been a violation of section 2905.04 of the Revised Code as it 24729  
existed prior to July 1, 1996, had the violation been committed 24730  
prior to that date; felonious sexual penetration in violation of 24731  
former section 2907.12 of the Revised Code; or a violation of an 24732  
ordinance of a municipal corporation that is substantively 24733  
comparable to an offense listed in this paragraph; 24734

(2) A plea of guilty to, a finding of guilt by a jury or 24735  
court of, or a conviction of, or a judicial finding of eligibility 24736  
for intervention in lieu of conviction for conspiracy to commit, 24737  
attempt to commit, or complicity in committing any violation 24738  
listed in division (C)(1) of this section. 24739

(D) The state board may delegate to the superintendent of 24740

public instruction the authority to revoke a person's license or 24741  
to deny issuance or renewal of a license to a person under 24742  
division (C) ~~or~~, (F), or (I) of this section. 24743

(E)(1) If the plea of guilty, finding of guilt, ~~or~~ 24744  
conviction, or judicial finding of eligibility for intervention in 24745  
lieu of conviction that is the basis of the action taken under 24746  
division (B)(2) ~~or~~, (C), or (I) of this section, or under the 24747  
version of division (F) of section 3319.311 of the Revised Code in 24748  
effect prior to September 12, 2008, is overturned on appeal, upon 24749  
exhaustion of the criminal appeal, the clerk of the court that 24750  
overturned the plea, finding, ~~or~~ conviction, or judicial finding 24751  
or, if applicable, the clerk of the court that accepted an appeal 24752  
from the court that overturned the plea, finding, ~~or~~ conviction, 24753  
or judicial finding shall notify the state board that the plea, 24754  
finding, ~~or~~ conviction, or judicial finding has been overturned. 24755  
Within thirty days after receiving the notification, the state 24756  
board shall initiate proceedings to reconsider the revocation or 24757  
denial of the person's license in accordance with division (E)(2) 24758  
of this section. In addition, the person whose license was revoked 24759  
or denied may file with the state board a petition for 24760  
reconsideration of the revocation or denial along with appropriate 24761  
court documents. 24762

(2) Upon receipt of a court notification or a petition and 24763  
supporting court documents under division (E)(1) of this section, 24764  
the state board, after offering the person an opportunity for an 24765  
adjudication hearing under Chapter 119. of the Revised Code, shall 24766  
determine whether the person committed the act in question in the 24767  
prior criminal action against the person that is the basis of the 24768  
revocation or denial and may continue the revocation or denial, 24769  
may reinstate the person's license, with or without limits, or may 24770  
grant the person a new license, with or without limits. The 24771  
decision of the board shall be based on grounds for revoking, 24772

denying, suspending, or limiting a license adopted by rule under 24773  
division (G) of this section and in accordance with the 24774  
evidentiary standards the board employs for all other licensure 24775  
hearings. The decision of the board under this division is subject 24776  
to appeal under Chapter 119. of the Revised Code. 24777

(3) A person whose license is revoked or denied under 24778  
division (C) or (I) of this section shall not apply for any 24779  
license if the plea of guilty, finding of guilt, ~~or conviction,~~ or 24780  
judicial finding of eligibility for intervention in lieu of 24781  
conviction that is the basis of the revocation or denial, upon 24782  
completion of the criminal appeal, either is upheld or is 24783  
overturned but the state board continues the revocation or denial 24784  
under division (E)(2) of this section and that continuation is 24785  
upheld on final appeal. 24786

(F) The state board may take action under division (B) or 24787  
(I)(2) or (3) of this section, and the state board or the 24788  
superintendent shall take the action required under division (C) 24789  
or (I)(1) of this section, on the basis of substantially 24790  
comparable conduct occurring in a jurisdiction outside this state 24791  
or occurring before a person applies for or receives any license. 24792

(G) The state board may adopt rules in accordance with 24793  
Chapter 119. of the Revised Code to carry out this section and 24794  
section 3319.311 of the Revised Code. 24795

~~(H) The state board shall not refuse to issue a license to an 24796  
applicant because of a conviction of, a plea of guilty to, or a 24797  
finding of guilt by a jury or court of an offense unless the 24798  
refusal is in accordance with section 9.79 of the Revised Code. 24799  
The general assembly has previously authorized the state board to 24800  
refuse to issue an initial license to an applicant for an offense 24801  
described in division (B) of this section, and has required the 24802  
state board to refuse to issue an initial license to an applicant 24803  
for an offense described in division (C) of this section. 24804~~

Consistent with those directives of the general assembly, the 24805  
state board has determined that the offenses described in those 24806  
divisions are directly related to the duties and responsibilities 24807  
of the position for which a license is issued. Therefore, in 24808  
publishing the list of criminal offenses that may disqualify an 24809  
applicant from obtaining an initial license, as required by 24810  
division (B) of section 9.79 of the Revised Code, the state board 24811  
shall include the offenses described in divisions (B)(2) and (C) 24812  
of this section and shall specify that a plea of guilty, finding 24813  
of guilt, conviction, or judicial finding of eligibility for 24814  
intervention in lieu of conviction for any offense described in 24815  
division (C) of this section shall result in automatic refusal to 24816  
issue a license in accordance with division (I)(1) of this 24817  
section. 24818

(I) In determining whether to issue an initial license to an 24819  
applicant, the state board shall make that determination in 24820  
accordance with section 9.79 of the Revised Code, except that, 24821  
notwithstanding divisions (C) and (D) of that section, all of the 24822  
following shall apply: 24823

(1) The state board shall refuse to issue an initial license 24824  
to an applicant who has plead guilty to, been found guilty by a 24825  
jury or court of, been convicted of, or had a judicial finding of 24826  
eligibility for intervention in lieu of conviction for committing 24827  
any offense listed in division (C) of this section, regardless of 24828  
the length of time since the applicant's plea of guilty, finding 24829  
of guilt, conviction, or judicial finding of eligibility for 24830  
intervention in lieu of conviction. Refusal of a license under 24831  
division (I)(1) of this section is effective immediately at the 24832  
time and date that the state board or state superintendent issues 24833  
the written order and is not subject to appeal in accordance with 24834  
Chapter 119. of the Revised Code. Refusal of a license under 24835  
division (I)(1) of this section remains in force during the 24836

pendency of an appeal by the applicant of the plea of guilty, 24837  
finding of guilt, conviction, or judicial finding of eligibility 24838  
for intervention in lieu of conviction that is the basis of the 24839  
action taken under this division. 24840

(2) The state board may refuse to issue an initial license to 24841  
an applicant who has plead guilty to, been found guilty by a jury 24842  
or court of, been convicted of, or had a judicial finding of 24843  
eligibility for intervention in lieu of conviction for committing 24844  
any offense listed in division (B)(2) of this section, regardless 24845  
of the length of time since the applicant's plea of guilty, 24846  
finding of guilt, conviction, or judicial finding of eligibility 24847  
for intervention in lieu of conviction. 24848

(3) If an applicant has plead guilty to, been found guilty by 24849  
a jury or court of, been convicted of, or had a judicial finding 24850  
of eligibility for intervention in lieu of conviction for multiple 24851  
offenses, the state board may consider that fact in determining 24852  
whether to issue the applicant a license, regardless of the length 24853  
of time since the applicant's most recent plea of guilty, finding 24854  
of guilt, conviction, or judicial finding of eligibility for 24855  
intervention in lieu of conviction. 24856

**Sec. 3319.311.** (A)(1) The state board of education, or the 24857  
superintendent of public instruction on behalf of the board, may 24858  
investigate any information received about a person that 24859  
reasonably appears to be a basis for action under section 3319.31 24860  
of the Revised Code, including information received pursuant to 24861  
section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, 24862  
or 5153.176 of the Revised Code. ~~Except as provided in division~~ 24863  
~~(A)(2) of this section, the board shall contract with the office~~ 24864  
~~of the Ohio attorney general to conduct any investigation of that~~ 24865  
~~nature.~~ The board shall pay for the costs of ~~the contract~~ any such 24866  
investigation only from moneys in the state board of education 24867

licensure fund established under section 3319.51 of the Revised Code. Except as provided in division (A)(2) of this section and section 3319.319 of the Revised Code, all information received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, or 5153.176 of the Revised Code, and all information obtained during an investigation is confidential and is not a public record under section 149.43 of the Revised Code. ~~If an investigation is conducted under this division regarding information received about a person and no action is taken against the person under this section or section 3319.31 of the Revised Code within two years of the completion of the investigation, all records of the investigation shall be expunged.~~

(2) In the case of a person about whom the board has learned of a plea of guilty to, finding of guilt by a jury or court of, ~~or~~ a conviction of, or judicial finding of eligibility for intervention in lieu of conviction for committing an offense listed in division (C) of section 3319.31 of the Revised Code, or substantially comparable conduct occurring in a jurisdiction outside this state, the board or the superintendent of public instruction need not conduct any further investigation and shall take the action required by division (C) ~~or~~, (F), or (I)(1) of that section. Except as provided in division (G) of this section, all information obtained by the board or the superintendent of public instruction pertaining to the action is a public record under section 149.43 of the Revised Code.

(B) The superintendent of public instruction shall review the results of each investigation of a person conducted under division (A)(1) of this section and shall determine, on behalf of the state board, whether the results warrant initiating action under division (B) or (I) of section 3319.31 of the Revised Code. The superintendent shall advise the board of such determination at a meeting of the board. Within fourteen days of the next meeting of

the board, any member of the board may ask that the question of  
initiating action under section 3319.31 of the Revised Code be  
placed on the board's agenda for that next meeting. Prior to  
initiating that action against any person, the person's name and  
any other personally identifiable information shall remain  
confidential.

(C) The board shall take no action against a person under  
division (B) or (I) of section 3319.31 of the Revised Code without  
providing the person with written notice of the charges and with  
an opportunity for a hearing in accordance with Chapter 119. of  
the Revised Code, unless division (I)(1) of that section applies  
to the person.

(D) For purposes of an investigation under division (A)(1) of  
this section or a hearing under division (C) of this section or  
under division (E)(2) of section 3319.31 of the Revised Code, the  
board, or the superintendent on behalf of the board, may  
administer oaths, order the taking of depositions, issue  
subpoenas, and compel the attendance of witnesses and the  
production of books, accounts, papers, records, documents, and  
testimony. The issuance of subpoenas under this division may be by  
certified mail or personal delivery to the person.

(E) The superintendent, on behalf of the board, may enter  
into a consent agreement with a person against whom action is  
being taken under division (B) or (I) of section 3319.31 of the  
Revised Code, other than a person to whom division (I)(1) of that  
section applies. The board may adopt rules governing the  
superintendent's action under this division.

(F) No surrender of a license shall be effective until the  
board takes action to accept the surrender unless the surrender is  
pursuant to a consent agreement entered into under division (E) of  
this section.

(G) The name of any person who is not required to report 24931  
information under section 3314.40, 3319.313, 3326.24, 3328.19, 24932  
5126.253, or 5153.176 of the Revised Code, but who in good faith 24933  
provides information to the state board or superintendent of 24934  
public instruction about alleged misconduct committed by a person 24935  
who holds a license or has applied for issuance or renewal of a 24936  
license, shall be confidential and shall not be released. Any such 24937  
person shall be immune from any civil liability that otherwise 24938  
might be incurred or imposed for injury, death, or loss to person 24939  
or property as a result of the provision of that information. 24940

(H)(1) No person shall knowingly make a false report to the 24941  
superintendent of public instruction or the state board of 24942  
education alleging misconduct by an employee of a public or 24943  
chartered nonpublic school or an employee of the operator of a 24944  
community school established under Chapter 3314. or a 24945  
college-preparatory boarding school established under Chapter 24946  
3328. of the Revised Code. 24947

(2)(a) In any civil action brought against a person in which 24948  
it is alleged and proved that the person violated division (H)(1) 24949  
of this section, the court shall award the prevailing party 24950  
reasonable attorney's fees and costs that the prevailing party 24951  
incurred in the civil action or as a result of the false report 24952  
that was the basis of the violation. 24953

(b) If a person is convicted of or pleads guilty to a 24954  
violation of division (H)(1) of this section, if the subject of 24955  
the false report that was the basis of the violation was charged 24956  
with any violation of a law or ordinance as a result of the false 24957  
report, and if the subject of the false report is found not to be 24958  
guilty of the charges brought against the subject as a result of 24959  
the false report or those charges are dismissed, the court that 24960  
sentences the person for the violation of division (H)(1) of this 24961  
section, as part of the sentence, shall order the person to pay 24962

restitution to the subject of the false report, in an amount equal 24963  
to reasonable attorney's fees and costs that the subject of the 24964  
false report incurred as a result of or in relation to the 24965  
charges. 24966

**Sec. 3319.313.** (A) As used in this section: 24967

(1) "Conduct unbecoming to the teaching profession" shall be 24968  
as described in rules adopted by the state board of education. 24969

(2) "Intervention in lieu of conviction" means intervention 24970  
in lieu of conviction under section 2951.041 of the Revised Code. 24971

(3) "License" has the same meaning as in section 3319.31 of 24972  
the Revised Code. 24973

(4) "Pre-trial diversion program" means a pre-trial diversion 24974  
program under section 2935.36 of the Revised Code or a similar 24975  
diversion program under rules of a court. 24976

(B) The superintendent of each school district and each 24977  
educational service center or the president of the district or 24978  
service center board, if division (C)(1) of this section applies, 24979  
and the chief administrator of each chartered nonpublic school or 24980  
the president or chairperson of the governing authority of the 24981  
nonpublic school, if division (C)(2) of this section applies, 24982  
shall promptly submit to the superintendent of public instruction 24983  
the information prescribed in division (D) of this section when 24984  
any of the following conditions applies to an employee of the 24985  
district, service center, or nonpublic school who holds a license 24986  
~~issued by the state board of education:~~ 24987

(1) The superintendent, chief administrator, president, or 24988  
chairperson knows that the employee has pleaded guilty to, has 24989  
been found guilty by a jury or court of, has been convicted of, 24990  
has been found to be eligible for intervention in lieu of 24991  
conviction for, or has agreed to participate in a pre-trial 24992

diversion program for an offense described in division (B)(2) or 24993  
(C) of section 3319.31 or division (B)(1) of section 3319.39 of 24994  
the Revised Code; 24995

(2) The district board of education, service center governing 24996  
board, or nonpublic school chief administrator or governing 24997  
authority has initiated termination or nonrenewal proceedings 24998  
against, has terminated, or has not renewed the contract of the 24999  
employee because the board of education, governing board, or chief 25000  
administrator has reasonably determined that the employee has 25001  
committed an act that is unbecoming to the teaching profession or 25002  
an offense described in division (B)(2) or (C) of section 3319.31 25003  
or division (B)(1) of section 3319.39 of the Revised Code; 25004

(3) The employee has resigned under threat of termination or 25005  
nonrenewal as described in division (B)(2) of this section; 25006

(4) The employee has resigned because of or in the course of 25007  
an investigation by the board of education, governing board, or 25008  
chief administrator regarding whether the employee has committed 25009  
an act that is unbecoming to the teaching profession or an offense 25010  
described in division (B)(2) or (C) of section 3319.31 or division 25011  
(B)(1) of section 3319.39 of the Revised Code. 25012

(C)(1) If the employee to whom any of the conditions 25013  
prescribed in divisions (B)(1) to (4) of this section applies is 25014  
the superintendent or treasurer of a school district or 25015  
educational service center, the president of the board of 25016  
education of the school district or of the governing board of the 25017  
educational service center shall make the report required under 25018  
this section. 25019

(2) If the employee to whom any of the conditions prescribed 25020  
in divisions (B)(1) to (4) of this section applies is the chief 25021  
administrator of a chartered nonpublic school, the president or 25022  
chairperson of the governing authority of the chartered nonpublic 25023

school shall make the report required under this section. 25024

(D) If a report is required under this section, the 25025  
superintendent, chief administrator, president, or chairperson 25026  
shall submit to the superintendent of public instruction the name 25027  
and social security number of the employee about whom the 25028  
information is required and a factual statement regarding any of 25029  
the conditions prescribed in divisions (B)(1) to (4) of this 25030  
section that applies to the employee. 25031

(E) A determination made by the board of education, governing 25032  
board, chief administrator, or governing authority as described in 25033  
division (B)(2) of this section or a termination, nonrenewal, 25034  
resignation, or other separation described in divisions (B)(2) to 25035  
(4) of this section does not create a presumption of the 25036  
commission or lack of the commission by the employee of an act 25037  
unbecoming to the teaching profession or an offense described in 25038  
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 25039  
section 3319.39 of the Revised Code. 25040

(F) No individual required to submit a report under division 25041  
(B) of this section shall knowingly fail to comply with that 25042  
division. 25043

(G) An individual who provides information to the 25044  
superintendent of public instruction in accordance with this 25045  
section in good faith shall be immune from any civil liability 25046  
that otherwise might be incurred or imposed for injury, death, or 25047  
loss to person or property as a result of the provision of that 25048  
information. 25049

**Sec. 3319.316.** The department of education, on behalf of the 25050  
state board of education, shall be a participating public office 25051  
for purposes of the retained applicant fingerprint database 25052  
established under section 109.5721 of the Revised Code and shall 25053  
receive notification from the bureau of criminal identification 25054

and investigation of the arrest or conviction of persons to whom 25055  
~~the state board has issued~~ a license, as defined in section 25056  
3319.31 of the Revised Code, has been issued. 25057

Sec. 3319.318. (A) As used in this section: 25058

(1) "School representative" includes all of the following: 25059

(a) An employee of a school district, chartered nonpublic 25060  
school, or county board of developmental disabilities; 25061

(b) An employee of an entity with which a school district, 25062  
chartered nonpublic school, or county board of developmental 25063  
disabilities contracts for the provision of services; 25064

(c) A member of a school district board of education, 25065  
chartered nonpublic school governing body, or county board of 25066  
developmental disabilities. 25067

(2) "Student" means a child who is enrolled in a school 25068  
district or chartered nonpublic school or who is receiving 25069  
services from a county board of developmental disabilities. 25070

(B) Except as provided in division (C) of this section, no 25071  
school representative shall knowingly engage in any activity 25072  
intended to assist another individual in obtaining employment with 25073  
a school district or chartered nonpublic school, or in obtaining 25074  
employment with a county board of developmental disabilities in a 25075  
position responsible for providing educational services to 25076  
children from six through twenty-one years of age, other than 25077  
transmitting administrative and personnel files to the prospective 25078  
employer, if the school representative knows or has reasonable 25079  
cause to believe that the individual has committed an offense 25080  
listed in Chapter 2907. of the Revised Code, or a substantially 25081  
comparable offense, involving a student. 25082

(C) Division (B) of this section shall not apply if the 25083

information on which the knowledge or reasonable cause is based 25084  
has been reported to appropriate law enforcement authorities or, 25085  
if applicable, to the appropriate public children services agency 25086  
under section 2151.421 of the Revised Code and one of the 25087  
following conditions is met: 25088

(1) Law enforcement authorities have investigated the alleged 25089  
offense and determined that there is insufficient information to 25090  
indict the individual for the alleged offense. 25091

(2) The individual has not been indicted for the alleged 25092  
offense within four years after the date the alleged offense was 25093  
reported to law enforcement authorities or a public children 25094  
services agency. 25095

(3) The individual has been acquitted or otherwise exonerated 25096  
of the offense. 25097

**Sec. 3319.319.** The appointing or hiring officer of a school 25098  
district or school located in Ohio or another state may request 25099  
from the department of education any report the department has 25100  
received under sections 3314.40, 3319.313, 3326.24, 3328.19, or 25101  
5126.253 of the Revised Code regarding an individual who is under 25102  
consideration for employment by the district or school. If the 25103  
department has received a report under any of those sections 25104  
regarding the individual, the department shall provide the 25105  
contents of the report to the requesting officer. Upon provision 25106  
of the contents of the report to the requesting officer, the 25107  
department shall notify the officer that the information provided 25108  
is confidential and may not be disseminated to any other person or 25109  
entity. 25110

If the department provides the contents of a report to an 25111  
appointing or hiring officer under this section, the department 25112  
shall document the information provided in the record of any 25113  
investigation undertaken pursuant to section 3319.311 of the 25114

Revised Code based on the report. Such documentation shall include 25115  
a list of the information provided, the date the information was 25116  
provided, and the name and contact information of the appointing 25117  
or hiring officer to whom the information was provided. 25118

**Sec. 3319.39.** (A)(1) Except as provided in division (F)(2)(b) 25119  
of section 109.57 of the Revised Code, the appointing or hiring 25120  
officer of the board of education of a school district, the 25121  
governing board of an educational service center, or of a 25122  
chartered nonpublic school shall request the superintendent of the 25123  
bureau of criminal identification and investigation to conduct a 25124  
criminal records check with respect to any applicant who has 25125  
applied to the school district, educational service center, or 25126  
school for employment in any position. The appointing or hiring 25127  
officer shall request that the superintendent include information 25128  
from the federal bureau of investigation in the criminal records 25129  
check, unless all of the following apply to the applicant: 25130

(a) The applicant is applying to be an instructor of adult 25131  
education. 25132

(b) The duties of the position for which the applicant is 25133  
applying do not involve routine interaction with a child or 25134  
regular responsibility for the care, custody, or control of a 25135  
child or, if the duties do involve such interaction or 25136  
responsibility, during any period of time in which the applicant, 25137  
if hired, has such interaction or responsibility, another employee 25138  
of the school district, educational service center, or chartered 25139  
nonpublic school will be present in the same room with the child 25140  
or, if outdoors, will be within a thirty-yard radius of the child 25141  
or have visual contact with the child. 25142

(c) The applicant presents proof that the applicant has been 25143  
a resident of this state for the five-year period immediately 25144  
prior to the date upon which the criminal records check is 25145

requested or provides evidence that within that five-year period 25146  
the superintendent has requested information about the applicant 25147  
from the federal bureau of investigation in a criminal records 25148  
check. 25149

(2) A person required by division (A)(1) of this section to 25150  
request a criminal records check shall provide to each applicant a 25151  
copy of the form prescribed pursuant to division (C)(1) of section 25152  
109.572 of the Revised Code, provide to each applicant a standard 25153  
impression sheet to obtain fingerprint impressions prescribed 25154  
pursuant to division (C)(2) of section 109.572 of the Revised 25155  
Code, obtain the completed form and impression sheet from each 25156  
applicant, and forward the completed form and impression sheet to 25157  
the superintendent of the bureau of criminal identification and 25158  
investigation at the time the person requests a criminal records 25159  
check pursuant to division (A)(1) of this section. 25160

(3) An applicant who receives pursuant to division (A)(2) of 25161  
this section a copy of the form prescribed pursuant to division 25162  
(C)(1) of section 109.572 of the Revised Code and a copy of an 25163  
impression sheet prescribed pursuant to division (C)(2) of that 25164  
section and who is requested to complete the form and provide a 25165  
set of fingerprint impressions shall complete the form or provide 25166  
all the information necessary to complete the form and shall 25167  
provide the impression sheet with the impressions of the 25168  
applicant's fingerprints. If an applicant, upon request, fails to 25169  
provide the information necessary to complete the form or fails to 25170  
provide impressions of the applicant's fingerprints, the board of 25171  
education of a school district, governing board of an educational 25172  
service center, or governing authority of a chartered nonpublic 25173  
school shall not employ that applicant for any position. 25174

(4) Notwithstanding any provision of this section to the 25175  
contrary, an applicant who meets the conditions prescribed in 25176  
divisions (A)(1)(a) and (b) of this section and who, within the 25177

two-year period prior to the date of application, was the subject 25178  
of a criminal records check under this section prior to being 25179  
hired for short-term employment with the school district, 25180  
educational service center, or chartered nonpublic school to which 25181  
application is being made shall not be required to undergo a 25182  
criminal records check prior to the applicant's rehiring by that 25183  
district, service center, or school. 25184

(B)(1) Except as provided in rules adopted by the department 25185  
of education in accordance with division (E) of this section and 25186  
as provided in division (B)(3) of this section, no board of 25187  
education of a school district, no governing board of an 25188  
educational service center, and no governing authority of a 25189  
chartered nonpublic school shall employ a person if the person 25190  
previously has been convicted of or pleaded guilty to any of the 25191  
following: 25192

(a) A violation of section 2903.01, 2903.02, 2903.03, 25193  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 25194  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 25195  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 25196  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 25197  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 25198  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 25199  
2925.06, or 3716.11 of the Revised Code, a violation of section 25200  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 25201  
violation of section 2919.23 of the Revised Code that would have 25202  
been a violation of section 2905.04 of the Revised Code as it 25203  
existed prior to July 1, 1996, had the violation been committed 25204  
prior to that date, a violation of section 2925.11 of the Revised 25205  
Code that is not a minor drug possession offense, or felonious 25206  
sexual penetration in violation of former section 2907.12 of the 25207  
Revised Code; 25208

(b) A violation of an existing or former law of this state, 25209

another state, or the United States that is substantially 25210  
equivalent to any of the offenses or violations described in 25211  
division (B)(1)(a) of this section. 25212

(2) A board, governing board of an educational service 25213  
center, or a governing authority of a chartered nonpublic school 25214  
may employ an applicant conditionally until the criminal records 25215  
check required by this section is completed and the board or 25216  
governing authority receives the results of the criminal records 25217  
check. If the results of the criminal records check indicate that, 25218  
pursuant to division (B)(1) of this section, the applicant does 25219  
not qualify for employment, the board or governing authority shall 25220  
release the applicant from employment. 25221

(3) No board and no governing authority of a chartered 25222  
nonpublic school shall employ a teacher who previously has been 25223  
convicted of or pleaded guilty to any of the offenses listed in 25224  
section 3319.31 of the Revised Code. 25225

(C)(1) Each board and each governing authority of a chartered 25226  
nonpublic school shall pay to the bureau of criminal 25227  
identification and investigation the fee prescribed pursuant to 25228  
division (C)(3) of section 109.572 of the Revised Code for each 25229  
criminal records check conducted in accordance with that section 25230  
upon the request pursuant to division (A)(1) of this section of 25231  
the appointing or hiring officer of the board or governing 25232  
authority. 25233

(2) A board and the governing authority of a chartered 25234  
nonpublic school may charge an applicant a fee for the costs it 25235  
incurs in obtaining a criminal records check under this section. A 25236  
fee charged under this division shall not exceed the amount of 25237  
fees the board or governing authority pays under division (C)(1) 25238  
of this section. If a fee is charged under this division, the 25239  
board or governing authority shall notify the applicant at the 25240  
time of the applicant's initial application for employment of the 25241

amount of the fee and that, unless the fee is paid, the board or 25242  
governing authority will not consider the applicant for 25243  
employment. 25244

(D) The report of any criminal records check conducted by the 25245  
bureau of criminal identification and investigation in accordance 25246  
with section 109.572 of the Revised Code and pursuant to a request 25247  
under division (A)(1) of this section is not a public record for 25248  
the purposes of section 149.43 of the Revised Code and shall not 25249  
be made available to any person other than the applicant who is 25250  
the subject of the criminal records check or the applicant's 25251  
representative, the board or governing authority requesting the 25252  
criminal records check or its representative, and any court, 25253  
hearing officer, or other necessary individual involved in a case 25254  
dealing with the denial of employment to the applicant. 25255

(E) The department of education shall adopt rules pursuant to 25256  
Chapter 119. of the Revised Code to implement this section, 25257  
including rules specifying circumstances under which the board or 25258  
governing authority may hire a person who has been convicted of an 25259  
offense listed in division (B)(1) or (3) of this section but who 25260  
meets standards in regard to rehabilitation set by the department. 25261  
Any rules adopted by the department under this division regarding 25262  
the employment of a person holding a ~~certificate~~, license, ~~or~~ 25263  
~~permit described in this chapter or in division (B) of section~~ 25264  
~~3301.071 or in section 3301.074 as defined in section 3319.31~~ of 25265  
the Revised Code shall comply with ~~section 9.79 of the Revised~~ 25266  
~~Code~~ all provisions of that section. 25267

The department shall amend rule 3301-83-23 of the Ohio 25268  
Administrative Code that took effect August 27, 2009, and that 25269  
specifies the offenses that disqualify a person for employment as 25270  
a school bus or school van driver and establishes rehabilitation 25271  
standards for school bus and school van drivers. 25272

(F) Any person required by division (A)(1) of this section to 25273

request a criminal records check shall inform each person, at the 25274  
time of the person's initial application for employment, of the 25275  
requirement to provide a set of fingerprint impressions and that a 25276  
criminal records check is required to be conducted and 25277  
satisfactorily completed in accordance with section 109.572 of the 25278  
Revised Code if the person comes under final consideration for 25279  
appointment or employment as a precondition to employment for the 25280  
school district, educational service center, or school for that 25281  
position. 25282

(G) As used in this section: 25283

(1) "Applicant" means a person who is under final 25284  
consideration for appointment or employment in a position with a 25285  
board of education, governing board of an educational service 25286  
center, or a chartered nonpublic school, except that "applicant" 25287  
does not include a person already employed by a board or chartered 25288  
nonpublic school who is under consideration for a different 25289  
position with such board or school. 25290

(2) "Teacher" means a person holding an educator license or 25291  
permit issued under section 3319.22 or 3319.301 of the Revised 25292  
Code and teachers in a chartered nonpublic school. 25293

(3) "Criminal records check" has the same meaning as in 25294  
section 109.572 of the Revised Code. 25295

(4) "Minor drug possession offense" has the same meaning as 25296  
in section 2925.01 of the Revised Code. 25297

(H) If the board of education of a local school district 25298  
adopts a resolution requesting the assistance of the educational 25299  
service center in which the local district has territory in 25300  
conducting criminal records checks of substitute teachers and 25301  
substitutes for other district employees under this section, the 25302  
appointing or hiring officer of such educational service center 25303  
shall serve for purposes of this section as the appointing or 25304

hiring officer of the local board in the case of hiring substitute 25305  
teachers and other substitute employees for the local district. 25306

Sec. 3319.393. (A) Each school district and chartered 25307  
nonpublic school shall include the following notice in boldface 25308  
type in each employment application: "ANY PERSON WHO KNOWINGLY 25309  
MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 25310  
2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST 25311  
DEGREE." 25312

(B)(1) Each district and chartered nonpublic school shall 25313  
consult the "educator profile" database maintained on the web site 25314  
of the department of education prior to making any hiring 25315  
decision. 25316

(2) After consulting the "educator profile" database, a 25317  
district or chartered nonpublic school may further discern the 25318  
employment, disciplinary, or criminal record of an applicant for 25319  
employment in either or both of the following ways: 25320

(a) Consulting the office of professional conduct within the 25321  
department of education in accordance with section 3319.319 of the 25322  
Revised Code to determine whether the individual has been the 25323  
subject of either: 25324

(i) Any notice to the department under section 3314.40, 25325  
3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code; 25326

(ii) Any disciplinary actions conducted by the department. 25327

(b) Consulting any prior education-related employers of the 25328  
individual. 25329

(3) A district or chartered nonpublic school may require 25330  
additional background checks other than the criminal records 25331  
checks authorized under sections 109.574 to 109.577 of the Revised 25332  
Code or those required under section 3319.39 or 3319.391 of the 25333  
Revised Code for any applicant for employment or potential 25334

volunteer. 25335

(C) A district or chartered nonpublic school may 25336  
conditionally employ an individual pending the receipt of 25337  
information sought in accordance with division (B)(2) of this 25338  
section. Should that information indicate that the individual has 25339  
engaged in conduct unbecoming to the teaching profession or has 25340  
committed an offense that prevents, limits, or otherwise affects 25341  
the applicant's employment with the district or school, the 25342  
district or chartered nonpublic school may release the individual 25343  
from employment. 25344

Sec. 3319.394. (A) When a complaint is filed against an 25345  
employee of a school district or chartered nonpublic school 25346  
alleging misconduct by that employee, the district or school shall 25347  
conduct a review of the personnel file of that employee to 25348  
determine if any recorded or reported instance of related 25349  
misconduct or disciplinary actions are contained in that 25350  
employee's file. 25351

(B)(1) If a school district or chartered nonpublic school 25352  
receives a request for the personnel file of a current or former 25353  
employee from a district or chartered nonpublic school to which 25354  
the current or former employee has applied for employment, the 25355  
district or chartered nonpublic school that receives the request 25356  
shall send that file to the requestor within twenty business days 25357  
of receiving the request for hiring purposes. 25358

(2) If the district or school receiving the request 25359  
determines that it is not possible to send the file within twenty 25360  
business days, that district or school shall promptly notify the 25361  
requestor and indicate the reason the information cannot be sent 25362  
within that time. 25363

Sec. 3319.40. (A) As used in this section, "license" has the 25364

same meaning as in section 3319.31 of the Revised Code. 25365

(B) If a person who is employed by a school district or 25366  
chartered nonpublic school is arrested, summoned, or indicted for 25367  
an alleged violation of an offense listed in division (C) of 25368  
section 3319.31 of the Revised Code, if the person holds a 25369  
license, or an offense listed in division (B)(1) of section 25370  
3319.39 of the Revised Code, if the person does not hold a 25371  
license, the superintendent of the district or the chief 25372  
administrative officer of the chartered nonpublic school shall 25373  
suspend that person from all duties that require the care, 25374  
custody, or control of a child during the pendency of the criminal 25375  
action against the person. If the person who is arrested, 25376  
summoned, or indicted for an alleged violation of an offense 25377  
listed in division (C) of section 3319.31 or division (B)(1) of 25378  
section 3319.39 of the Revised Code is a person whose duties are 25379  
assigned by the district treasurer under division (B) of section 25380  
3313.31 of the Revised Code, the treasurer shall suspend the 25381  
person from all duties that require the care, custody, or control 25382  
of a child. If the person who is arrested, summoned, or indicted 25383  
for an alleged violation of an offense listed in division (C) of 25384  
section 3319.31 or division (B)(1) of section 3319.39 of the 25385  
Revised Code is the superintendent or treasurer of the district, 25386  
the district board shall suspend the superintendent or treasurer 25387  
from all duties that require the care, custody, or control of a 25388  
child. If the person who is arrested, summoned, or indicted for an 25389  
alleged violation of an offense listed in division (C) of section 25390  
3319.31 or division (B)(1) of section 3319.39 of the Revised Code 25391  
is the chief administrative officer of the chartered nonpublic 25392  
school, the governing authority of the chartered nonpublic school 25393  
shall suspend the chief administrative officer from all duties 25394  
that require the care, custody, or control of a child. 25395

(C) When a person who holds a license is suspended in 25396

accordance with this section, the superintendent, treasurer, board 25397  
of education, chief administrative officer, or governing authority 25398  
that imposed the suspension promptly shall report the person's 25399  
suspension to the department of education. The report shall 25400  
include the offense for which the person was arrested, summoned, 25401  
or indicted. The superintendent of public instruction, on behalf 25402  
of the state board of education, shall inactivate the person's 25403  
license. The inactivation shall remain in force during the 25404  
pendency of the criminal action against the person. The 25405  
inactivation of a license under this division does not constitute 25406  
a suspension or revocation of the license by the state board under 25407  
section 3319.31 of the Revised Code and the state board and the 25408  
state superintendent need not provide the person with an 25409  
opportunity for a hearing with respect to the inactivation. If the 25410  
state board does not take action against the person's license 25411  
under section 3319.31 of the Revised Code, the state 25412  
superintendent shall reactivate the license upon conclusion of the 25413  
criminal action against the person. 25414

Sec. 3319.47. The school districts, public schools, and 25415  
chartered nonpublic schools of this state may provide counseling 25416  
to any victim of sexual harassment or sexually related conduct. 25417

**Sec. 3319.61.** (A) The educator standards board, in 25418  
consultation with the chancellor of higher education, shall do all 25419  
of the following: 25420

(1) Develop state standards for teachers and principals that 25421  
reflect what teachers and principals are expected to know and be 25422  
able to do at all stages of their careers. These standards shall 25423  
be aligned with the statewide academic content standards for 25424  
students adopted pursuant to section 3301.079 of the Revised Code, 25425  
be primarily based on educator performance instead of years of 25426  
experience or certain courses completed, and rely on 25427

evidence-based factors. These standards shall also be aligned with 25428  
the operating standards adopted under division (D)(3) of section 25429  
3301.07 of the Revised Code. 25430

(a) The standards for teachers shall reflect the following 25431  
additional criteria: 25432

(i) Alignment with the interstate new teacher assessment and 25433  
support consortium standards; 25434

(ii) Differentiation among novice, experienced, and advanced 25435  
teachers; 25436

(iii) Reliance on competencies that can be measured; 25437

(iv) Reliance on content knowledge, teaching skills, 25438  
discipline-specific teaching methods, and requirements for 25439  
professional development; 25440

(v) Alignment with a career-long system of professional 25441  
development and evaluation that ensures teachers receive the 25442  
support and training needed to achieve the teaching standards as 25443  
well as reliable feedback about how well they meet the standards; 25444

(vi) The standards under section 3301.079 of the Revised 25445  
Code, including standards on collaborative learning environments 25446  
and interdisciplinary, project-based, real-world learning and 25447  
differentiated instruction; 25448

(vii) The Ohio leadership framework. 25449

(b) The standards for principals shall be aligned with the 25450  
interstate school leaders licensing consortium standards. 25451

(2) Develop standards for school district superintendents 25452  
that reflect what superintendents are expected to know and be able 25453  
to do at all stages of their careers. The standards shall reflect 25454  
knowledge of systems theory and effective management principles 25455  
and be aligned with the buckeye association of school 25456  
administrators standards and the operating standards developed 25457

under division (D)(3) of section 3301.07 of the Revised Code. 25458

(3) Develop standards for school district treasurers and 25459  
business managers that reflect what treasurers and business 25460  
managers are expected to know and be able to do at all stages of 25461  
their careers. The standards shall reflect knowledge of systems 25462  
theory and effective management principles and be aligned with the 25463  
association of school business officials international standards 25464  
and the operating standards developed under division (D)(3) of 25465  
section 3301.07 of the Revised Code. 25466

(4) Develop standards for the renewal of licenses under 25467  
sections 3301.074 and 3319.22 of the Revised Code; 25468

(5) Develop standards for educator professional development; 25469

(6) Investigate and make recommendations for the creation, 25470  
expansion, and implementation of school building and school 25471  
district leadership academies; 25472

(7) Develop standards for school counselors that reflect what 25473  
school counselors are expected to know and be able to do at all 25474  
stages of their careers. The standards shall reflect knowledge of 25475  
academic, personal, and social counseling for students and 25476  
effective principles to implement an effective school counseling 25477  
program. The standards also shall reflect Ohio-specific knowledge 25478  
of career counseling for students and education options that 25479  
provide flexibility for earning credit, such as earning units of 25480  
high school credit using the methods adopted by the state board of 25481  
education under division (J) of section 3313.603 of the Revised 25482  
Code and earning college credit through the college credit plus 25483  
program established under Chapter 3365. of the Revised Code and 25484  
the career-technical education credit transfer criteria, policies, 25485  
and procedures established under section 3333.162 of the Revised 25486  
Code. The standards shall align with the American school counselor 25487  
association's professional standards and the operating standards 25488

developed under division (D)(3) of section 3301.07 of the Revised Code. 25489  
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The superintendent of public instruction, the chancellor of higher education, or the education standards board itself may request that the educator standards board update, review, or reconsider any standards developed under this section. 25491  
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(B) The educator standards board shall incorporate indicators of cultural competency into the standards developed under division (A) of this section. For this purpose, the educator standards board shall develop a definition of cultural competency based upon content and experiences that enable educators to know, understand, and appreciate the students, families, and communities that they serve and skills for addressing cultural diversity in ways that respond equitably and appropriately to the cultural needs of individual students. 25495  
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(C) In developing the standards under division (A) of this section, the educator standards board shall consider the impact of the standards on closing the achievement gap between students of different subgroups. 25504  
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(D) In developing the standards under division (A) of this section, the educator standards board shall ensure both of the following: 25508  
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(1) That teachers have sufficient knowledge to provide appropriate instruction for students identified as gifted pursuant to Chapter 3324. of the Revised Code and to assist in the identification of such students, and have sufficient knowledge that will enable teachers to provide learning opportunities for all children to succeed; 25511  
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(2) That principals, superintendents, school treasurers, and school business managers have sufficient knowledge to provide principled, collaborative, foresighted, and data-based leadership 25517  
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that will provide learning opportunities for all children to 25520  
succeed. 25521

(E) The standards for educator professional development 25522  
developed under division (A)(5) of this section shall include the 25523  
following: 25524

(1) Standards for the inclusion of local professional 25525  
development committees established under section 3319.22 of the 25526  
Revised Code in the planning and design of professional 25527  
development; 25528

(2) Standards that address the crucial link between academic 25529  
achievement and mental health issues. 25530

(F) The educator standards board shall also perform the 25531  
following functions: 25532

(1) Monitor compliance with the standards developed under 25533  
division (A) of this section and make recommendations to the state 25534  
board of education for appropriate corrective action if such 25535  
standards are not met; 25536

(2) Research, develop, and recommend policies on the 25537  
professions of teaching and school administration; 25538

(3) Recommend policies to close the achievement gap between 25539  
students of different subgroups; 25540

(4) Define a "master teacher" in a manner that can be used 25541  
uniformly by all school districts; 25542

(5) Adopt criteria that a candidate for a lead professional 25543  
educator license under section 3319.22 of the Revised Code who 25544  
does not hold a valid certificate issued by the national board for 25545  
professional teaching standards must meet to be considered a lead 25546  
teacher for purposes of division (B)(4)(d) of that section. It is 25547  
the intent of the general assembly that the educator standards 25548  
board shall adopt multiple, equal-weighted criteria to use in 25549

determining whether a person is a lead teacher. The criteria shall 25550  
be in addition to the other standards and qualifications 25551  
prescribed in division (B)(4) of section 3319.22 of the Revised 25552  
Code. The criteria may include, but shall not be limited to, 25553  
completion of educational levels beyond a master's degree or other 25554  
professional development courses or demonstration of a leadership 25555  
role in the teacher's school building or district. The board shall 25556  
determine the number of criteria that a teacher shall satisfy to 25557  
be recognized as a lead teacher, which shall not be the total 25558  
number of criteria adopted by the board. 25559

(6) Develop model teacher and principal evaluation 25560  
instruments and processes. The models shall be based on the 25561  
standards developed under division (A) of this section. 25562

(7) Develop a method of measuring the academic improvement 25563  
made by individual students during a one-year period and make 25564  
recommendations for incorporating the measurement as one of 25565  
multiple evaluation criteria into each of the following: 25566

(a) Eligibility for a professional educator license, senior 25567  
professional educator license, lead professional educator license, 25568  
or principal license issued under section 3319.22 of the Revised 25569  
Code; 25570

(b) The Ohio teacher residency program established under 25571  
section 3319.223 of the Revised Code; 25572

(c) The model teacher and principal evaluation instruments 25573  
and processes developed under division (F)(6) of this section. 25574

(G) The educator standards board shall submit recommendations 25575  
of standards developed under division (A) of this section to the 25576  
state board of education not later than September 1, 2010. The 25577  
state board of education shall review those recommendations at the 25578  
state board's regular meeting that next succeeds the date that the 25579  
recommendations are submitted to the state board. At that meeting, 25580

the state board of education shall vote to either adopt standards 25581  
based on those recommendations or request that the educator 25582  
standards board reconsider its recommendations. The state board of 25583  
education shall articulate reasons for requesting reconsideration 25584  
of the recommendations but shall not direct the content of the 25585  
recommendations. The educator standards board shall reconsider its 25586  
recommendations if the state board of education so requests, may 25587  
revise the recommendations, and shall resubmit the 25588  
recommendations, whether revised or not, to the state board not 25589  
later than two weeks prior to the state board's regular meeting 25590  
that next succeeds the meeting at which the state board requested 25591  
reconsideration of the initial recommendations. The state board of 25592  
education shall review the recommendations as resubmitted by the 25593  
educator standards board at the state board's regular meeting that 25594  
next succeeds the meeting at which the state board requested 25595  
reconsideration of the initial recommendations and may adopt the 25596  
standards as resubmitted or, if the resubmitted standards have not 25597  
addressed the state board's concerns, the state board may modify 25598  
the standards prior to adopting them. The final responsibility to 25599  
determine whether to adopt standards as described in division (A) 25600  
of this section and the content of those standards, if adopted, 25601  
belongs solely to the state board of education. 25602

**Sec. 3319.99.** (A) Whoever violates division ~~(A)~~(B)(1) of 25603  
section 3319.151 of the Revised Code is guilty of a minor 25604  
misdemeanor. 25605

(B) Whoever violates division (H)(1) of section 3319.311 of 25606  
the Revised Code is guilty of a misdemeanor of the first degree. 25607

(C) Whoever violates division (F) of section 3319.313 of the 25608  
Revised Code shall be punished as follows: 25609

(1) Except as otherwise provided in division (C)(2) of this 25610  
section, the person is guilty of a misdemeanor of the fourth 25611

degree. 25612

(2) The person is guilty of a misdemeanor of the first degree 25613  
if both of the following conditions apply: 25614

(a) The employee who is the subject of the report that the 25615  
person fails to submit was required to be reported for the 25616  
commission or alleged commission of an act or offense involving 25617  
the infliction on a child of any physical or mental wound, injury, 25618  
disability, or condition of a nature that constitutes abuse or 25619  
neglect of the child; 25620

(b) During the period between the violation of division (F) 25621  
of section 3319.313 of the Revised Code and the conviction of or 25622  
plea of guilty by the person for that violation, the employee who 25623  
is the subject of the report that the person fails to submit 25624  
inflicts on any child attending a school district, educational 25625  
service center, public or nonpublic school, or county board of 25626  
developmental disabilities where the employee works any physical 25627  
or mental wound, injury, disability, or condition of a nature that 25628  
constitutes abuse or neglect of the child. 25629

(D) Whoever violates division (B) or (D) of section 3319.317 25630  
of the Revised Code is guilty of a misdemeanor of the first 25631  
degree. 25632

**Sec. 3326.02.** There is hereby established the STEM committee 25633  
of the department of education consisting of the following 25634  
members: 25635

(A) The superintendent of public instruction, or the 25636  
superintendent's designee; 25637

(B) The chancellor of ~~the Ohio board of regents~~ higher 25638  
education, or the chancellor's designee; 25639

(C) The director of development, or the director's designee; 25640

(D) Four members of the public, two of whom shall be 25641

appointed by the governor, one of whom shall be appointed by the 25642  
speaker of the house of representatives, and one of whom shall be 25643  
appointed by the president of the senate. Members of the public 25644  
shall be appointed based on their expertise in business or in STEM 25645  
fields. ~~The initial members of the committee shall be appointed~~ 25646  
~~under division (D) of this section not later than forty five days~~ 25647  
~~after June 30, 2007.~~ 25648

All members of the committee appointed under division (D) of 25649  
this section shall serve at the pleasure of their appointing 25650  
authority. 25651

If a member listed in divisions (A) to (C) of this section 25652  
elects to assign a designee to participate in committee business 25653  
on the member's behalf, the member shall assign that designation 25654  
to a single person for the time period in which the designation is 25655  
effective. 25656

Members of the committee shall receive no compensation for 25657  
their services. The department of education shall provide 25658  
administrative support for the committee. 25659

**Sec. 3326.03.** (A) The STEM committee shall authorize the 25660  
establishment of ~~and award grants to~~ science, technology, 25661  
engineering, and mathematics schools based on proposals submitted 25662  
to the committee. 25663

The committee shall determine the criteria for proposals, 25664  
establish procedures for the submission of proposals, accept and 25665  
evaluate proposals, and choose which proposals to approve to 25666  
become a STEM school. In approving proposals for STEM schools, the 25667  
committee shall consider ~~locating the~~ designating schools in 25668  
diverse geographic regions of the state so that all students have 25669  
access to a STEM school. 25670

The committee shall seek technical assistance from the Ohio 25671

STEM learning network, or its successor, throughout the process of 25672  
accepting and evaluating proposals and choosing which proposals to 25673  
approve. In approving proposals for STEM schools, the committee 25674  
shall consider the recommendations of the Ohio STEM learning 25675  
network, or its successor. 25676

The committee may authorize the establishment of a group of 25677  
multiple STEM schools to operate from multiple facilities located 25678  
in one or more school districts under the direction of a single 25679  
governing body in the manner prescribed by section 3326.031 of the 25680  
Revised Code. The committee shall consider the merits of each of 25681  
the proposed STEM schools within a group and shall authorize each 25682  
school separately. Anytime after authorizing a group of STEM 25683  
schools to be under the direction of a single governing body, ~~upon~~ 25684  
~~a proposal from the governing body,~~ the committee may authorize 25685  
one or more additional schools to operate as part of that group, 25686  
provided a proposal for each school is submitted in accordance 25687  
with this section. 25688

The STEM committee may approve one or more STEM schools to 25689  
serve only students identified as gifted under Chapter 3324. of 25690  
the Revised Code. 25691

(B) Proposals may be submitted only by a partnership of 25692  
public and private entities consisting of at least all of the 25693  
following: 25694

(1) A city, exempted village, or local, ~~or joint vocational~~ 25695  
school district ~~or an educational service center;~~ 25696

(2) Higher education entities; 25697

(3) Business organizations. 25698

A community school established under Chapter 3314. of the 25699  
Revised Code, a chartered nonpublic school, or both may be part of 25700  
the partnership. 25701

(C) Each proposal shall include at least the following:	25702
(1) <u>A statement of which of grades kindergarten through twelve will be offered by the school;</u>	25703 25704
(2) Assurances that the STEM school or group of STEM schools will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;	25705 25706 25707 25708
<del>(2)</del> (3) Assurances that each STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the committee <u>and that the school will maintain the STEM education practices set forth in the proposal;</u>	25709 25710 25711 25712
<del>(3)</del> (4) <u>Evidence that each school will exhibit school-wide cultural strategies reflecting innovation, an entrepreneurial spirit, inquiry, and collaboration with individual accountability;</u>	25713 25714 25715
(5) Evidence that each school will offer a rigorous, diverse, integrated, and <u>problem- or project-based curriculum to all students in any of grades kindergarten through twelve enrolled in the school</u> , with the goal to prepare <del>those</del> <u>all</u> students for <u>college post-high school learning experiences</u> , the workforce, and citizenship, and that does all of the following:	25716 25717 25718 25719 25720 25721
(a) Emphasizes <u>and supports</u> the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;	25722 25723 25724
(b) <del>Incorporates scientific inquiry and technological design</del> <u>Emphasizes the use of design thinking as a school-wide approach;</u>	25725 25726
(c) <u>Provides opportunities for students to engage in personalized learning;</u>	25727 25728
(d) Includes the arts and humanities. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science,	25729 25730 25731

technology, engineering, and mathematics to foster creative 25732  
thinking, problem-solving, and new approaches to scientific 25733  
invention. 25734

~~(d) Emphasizes personalized learning and teamwork skills.~~ 25735

~~(4)(6)~~ Evidence that each school will attract school leaders 25736  
who support leadership supports the curriculum principles of 25737  
division ~~(C)(3)~~(C)(5) of this section; 25738

~~(5)(7)~~ A description of how each school's curriculum will be 25739  
was developed using the curriculum principles described in 25740  
division (C)(5) of this section and approved by a team in 25741  
accordance with section 3326.09 of the Revised Code; 25742

~~(6)(8)~~ Evidence that each school will utilize an established 25743  
capacity to capture and share knowledge for best practices and 25744  
~~innovative professional development with the Ohio STEM learning~~ 25745  
~~network, or its successor~~ participate in regular STEM-focused 25746  
professional development and share knowledge of best practices; 25747

~~(7)(9)~~ Evidence that each school will operate in 25748  
~~collaboration with a partnership that includes~~ has established 25749  
partnerships with institutions of higher education and businesses. 25750  
If the proposal is for a STEAM school, it also shall include 25751  
evidence ~~that this partnership will include~~ of established 25752  
partnerships with one or more arts organizations. 25753

~~(8)(10)~~ Assurances that each school has received commitments 25754  
of sustained and verifiable fiscal and in-kind support from 25755  
regional education and business entities. If the proposal is for a 25756  
STEAM school, it also shall include assurances that the school has 25757  
received commitments of sustained and verifiable fiscal and 25758  
in-kind support from arts organizations. 25759

~~(9)(11)~~ A description of how each school's assets will be 25760  
distributed if the school closes for any reason. 25761

(D) A STEM school that is designated under this section may 25762  
submit an amended proposal to the STEM committee at any time to 25763  
offer additional grade levels. Upon approval of the amended 25764  
proposal by the committee, those grades may be offered by the 25765  
school. 25766

(E)(1) If a school is designated as a STEM school under this 25767  
section, it shall maintain that designation for five years unless 25768  
the STEM committee revokes its designation during that five-year 25769  
period under division (F) of this section. At the end of that 25770  
five-year period, the school shall reapply to the STEM committee 25771  
in order to maintain that designation. The committee shall 25772  
authorize the continuation of the school's STEM designation if the 25773  
committee finds that the school is in compliance with this chapter 25774  
and the provisions of its proposal and any subsequent amendments 25775  
to that proposal. 25776

If a school chooses not to reapply for designation as a STEM 25777  
school under division (E)(1) of this section, the committee shall 25778  
revoke the school's designation at the end of its five-year 25779  
designation period. 25780

(2) If a school reapplies for its designation as a STEM 25781  
school under division (E)(1) of this section and the committee has 25782  
reason to believe that it is not in compliance with this chapter 25783  
or the provisions of its proposal and any subsequent amendments to 25784  
that proposal, the committee shall require the school, in 25785  
collaboration with the department of education and the Ohio STEM 25786  
learning network or its successor, to develop a corrective action 25787  
plan. The school shall implement the corrective action plan and 25788  
demonstrate exemplary STEM pedagogy and practices within one year 25789  
of the plan's development. If the school fails to implement the 25790  
corrective action plan to the satisfaction of the committee at the 25791  
end of that year, the committee shall revoke the school's 25792  
designation. 25793

(3) The department shall maintain records of the application status and designation renewal deadlines for each school that has been designated as a STEM school under this section. 25794  
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(F) If the STEM committee has reason to believe that a school that is designated as a STEM school under this section is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, it may review the school's designation prior to the end of its five-year designation period. If the committee reviews a school's designation under this division, it must require the school to develop a corrective action plan in the same manner as specified in division (E)(2) of this section and implement that plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation. 25797  
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(G) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions ~~(C)(3)(e)(C)(5)(d)~~, ~~(C)(7)~~, and ~~(C)(8)(C)(9)~~, and (C)(10) of this section and submit the revised proposal to the STEM committee for approval. 25810  
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(H) Notwithstanding division (B)(1) of this section, on and after the effective date of this amendment, a school operated by a joint vocational school district that was designated as a STEM school prior to that date may maintain that designation provided the school continues to comply with this chapter and all provisions of its proposal and any subsequent amendments to that proposal. However, nothing shall prohibit that school from electing to apply for distinction as a STEM program of excellence under section 3326.04 of the Revised Code. 25815  
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**Sec. 3326.032.** (A) The STEM committee may grant a designation 25824

of STEM school equivalent to a community school established under 25825  
Chapter 3314. of the Revised Code, ~~to a career center,~~ or to a 25826  
chartered nonpublic school. In order to be eligible for this 25827  
designation, a community school, ~~a career center,~~ or chartered 25828  
nonpublic school shall submit a proposal that satisfies the 25829  
requirements of this section. 25830

The committee shall determine the criteria for proposals, 25831  
establish procedures for the submission of proposals, accept and 25832  
evaluate proposals, and choose which proposals warrant a community 25833  
school, ~~career center,~~ or chartered nonpublic school to be 25834  
designated as a STEM school equivalent. 25835

(B) A proposal for designation as a STEM school equivalent 25836  
shall include at least the following: 25837

(1) ~~Assurances that the community school, career center, or~~ 25838  
~~chartered nonpublic school submitting the proposal has a working~~ 25839  
~~partnership with both public and private entities, including~~ 25840  
~~higher education entities and business organizations. If the~~ 25841  
~~proposal is for a STEAM school equivalent, it also shall include~~ 25842  
~~evidence that this partnership includes arts organizations. A~~ 25843  
statement of which of grades kindergarten through twelve will be 25844  
offered by the school; 25845

(2) Assurances that the school ~~or career center~~ submitting 25846  
the proposal will operate in compliance with this section and the 25847  
provisions of the proposal as accepted by the committee and that 25848  
the school will maintain the STEM education practices set forth in 25849  
the proposal; 25850

(3) Evidence that the school submitting the proposal will 25851  
exhibit school-wide cultural strategies reflecting innovation, an 25852  
entrepreneurial spirit, inquiry, and collaboration with individual 25853  
accountability; 25854

~~(4)~~ Evidence that the school ~~or career center~~ submitting the proposal will offer a rigorous, diverse, integrated, and problem- 25855  
or project-based curriculum to all students ~~in any of grades~~ 25856  
~~kindergarten through twelve~~ enrolled in the school, with the goal 25857  
to prepare ~~those~~ all students for college post-secondary learning 25858  
experiences, the workforce, and citizenship, and that does all of 25859  
the following: 25860  
25861

(a) Emphasizes and supports the role of science, technology, 25862  
engineering, and mathematics in promoting innovation and economic 25863  
progress; 25864

(b) ~~Incorporates scientific inquiry and technological design~~ 25865  
Emphasizes the use of design thinking as a school-wide approach; 25866

(c) Provides opportunities for students to engage in 25867  
personalized learning; 25868

(d) Includes the arts and humanities. If the proposal is for 25869  
a STEAM school equivalent, it also shall include evidence that the 25870  
curriculum will integrate arts and design into the study of 25871  
science, technology, engineering, and mathematics to foster 25872  
creative thinking, problem-solving, and new approaches to 25873  
scientific invention. 25874

~~(d) Emphasizes personalized learning and teamwork skills.~~ 25875

~~(4)(5)~~ Evidence that the school ~~or career center~~ submitting 25876  
the proposal will attract school leaders who support leadership 25877  
supports the curriculum principles of division ~~(B)(3)~~ (B)(4) of 25878  
this section; 25879

~~(5)(6)~~ A description of how ~~each~~ the school's ~~or career~~ 25880  
~~center's~~ curriculum ~~will be~~ was developed using the principles of 25881  
division (B)(4) of this section and approved by a team in 25882  
accordance with section 3326.09 of the Revised Code; 25883

~~(6)(7)~~ Evidence that the school ~~or career center~~ submitting 25884

the proposal will ~~utilize an established capacity to capture and~~ 25885  
~~share knowledge for best practices and innovative professional~~ 25886  
~~development~~ participate in regular professional development and 25887  
share knowledge of best practices; 25888

~~(7)~~(8) Evidence that the school submitting the proposal has 25889  
established partnerships with institutions of higher education and 25890  
businesses. If the proposal is for a STEAM school equivalent, it 25891  
also shall include evidence of established partnerships with one 25892  
or more arts organizations. 25893

(9) Assurances that the school ~~or career center~~ submitting 25894  
the proposal has received commitments of sustained and verifiable 25895  
fiscal and in-kind support from regional education and business 25896  
entities. If the proposal is for a STEAM school equivalent, it 25897  
also shall include assurances that the school ~~or career center~~ has 25898  
received commitments of sustained and verifiable fiscal and 25899  
in-kind support from arts organizations. 25900

(C)(1) If a school is designated as a STEM school equivalent 25901  
under this section, it shall maintain that designation for five 25902  
years unless the STEM committee revokes its designation during 25903  
that five-year period under division (D) of this section. At the 25904  
end of that five-year period, the school shall reapply to the STEM 25905  
committee in order to maintain that designation. The committee 25906  
shall authorize the continuation of the school's designation as a 25907  
STEM school equivalent if the committee finds that the school is 25908  
in compliance with this chapter and the provisions of its proposal 25909  
and any subsequent amendments to that proposal. 25910

If a school chooses not to reapply for designation as a STEM 25911  
school equivalent under division (C)(1) of this section, the 25912  
committee shall revoke the school's designation at the end of its 25913  
five-year designation period. 25914

(2) If a school reapplies for its designation as a STEM 25915

school equivalent under division (C)(1) of this section and the 25916  
committee has reason to believe that it is not in compliance with 25917  
this chapter or the provisions of its proposal and any subsequent 25918  
amendments to that proposal, the committee shall require the 25919  
school, in collaboration with the department of education and the 25920  
Ohio STEM learning network or its successor, to develop a 25921  
corrective action plan. The school shall implement the corrective 25922  
action plan and demonstrate exemplary STEM pedagogy and practices 25923  
within one year of the plan's development. If the school fails to 25924  
implement the corrective action plan to the satisfaction of the 25925  
committee at the end of that year, the committee shall revoke the 25926  
school's designation. 25927

(3) The department shall maintain records of the application 25928  
status and designation renewal deadlines for each school that has 25929  
been designated as a STEM school equivalent under this section. 25930

(D) If the STEM committee has reason to believe that a school 25931  
that is designated as a STEM school equivalent under this section 25932  
is not in compliance with this chapter or the provisions of its 25933  
proposal and any subsequent amendments to that proposal, it may 25934  
review the school's designation prior to the end of its five-year 25935  
designation period. If the committee reviews a school's 25936  
designation under this division, it must require the school to 25937  
develop a corrective action plan in the same manner as specified 25938  
in division (C)(2) of this section and implement that plan and 25939  
demonstrate exemplary STEM pedagogy and practices within one year 25940  
of the plan's development. If the school fails to implement the 25941  
corrective action plan to the satisfaction of the committee at the 25942  
end of that year, the committee shall revoke the school's 25943  
designation. 25944

(E) A community school, ~~career center~~, or chartered nonpublic 25945  
school that is designated as a STEM school equivalent under this 25946  
section shall not be subject to the requirements of Chapter 3326. 25947

of the Revised Code, except that the school ~~or career center~~ shall 25948  
be subject to the requirements of this section and to the 25949  
curriculum requirements of section 3326.09 of the Revised Code. 25950

Nothing in this section, however, shall relieve a community 25951  
school of the applicable requirements of Chapter 3314. of the 25952  
Revised Code. Nor shall anything in this section relieve a 25953  
chartered nonpublic school of any provisions of law outside of 25954  
this chapter that are applicable to chartered nonpublic schools. 25955

(2) A community school, ~~career center~~, or chartered nonpublic 25956  
school that is designated as a STEM school equivalent under this 25957  
section shall not be eligible for operating funding under sections 25958  
3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised 25959  
Code. 25960

(3) A community school, ~~career center~~, or chartered nonpublic 25961  
school that is designated as a STEM school equivalent under this 25962  
section may apply for any of the grants and additional funds 25963  
described in section 3326.38 of the Revised Code for which the 25964  
school ~~or career center~~ is eligible. 25965

~~(D)~~(F) If a community school, ~~a career center~~, or chartered 25966  
nonpublic school that is designated as a STEM school equivalent 25967  
under this section intends to close or intends to no longer be 25968  
designated as a STEM school equivalent, it shall notify the STEM 25969  
committee of that fact. 25970

~~(E)~~(G) If a community school, ~~a career center~~, or chartered 25971  
nonpublic school that is designated as a STEM school equivalent 25972  
wishes to be designated as a STEAM school equivalent, it may 25973  
change its existing proposal to include the items required under 25974  
divisions ~~(B)(1)~~, ~~(B)(3)(c)~~ (B)(4)(d), (B)(8), and ~~(B)(7)(B)(9)~~ of 25975  
this section and submit the revised proposal to the STEM committee 25976  
for approval. 25977

~~(F) As used in this section, "career center" means a school~~ 25978

~~building that enrolls students in any of grades nine through 25979  
twelve and in which a career technical planning district, as 25980  
defined in section 3317.023 of the Revised Code, provides 25981  
career technical education services that meet standards adopted by 25982  
the state board of education. 25983~~

**Sec. 3326.04.** (A) The STEM committee shall ~~award grants to 25984  
support the operation of grant distinctions as STEM programs of 25985  
excellence to serve students in any of grades kindergarten through 25986  
twelve through a request for proposals to STEM programs operated 25987  
by joint vocational school districts and educational service 25988  
centers in accordance with this section. 25989~~

~~(B) Proposals may be submitted by any of the following: 25990~~

~~(1) The board of education of a city, exempted village, or 25991  
local school district; 25992~~

~~(2) The governing authority of a community school established 25993  
under Chapter 3314. of the Revised Code; 25994~~

~~(3) The governing authority of a chartered nonpublic school. 25995~~

~~(C) Each A joint vocational school district or educational 25996  
service center may submit a proposal to the STEM committee seeking 25997  
distinction as a STEM program of excellence. The proposal shall 25998  
demonstrate to the satisfaction of the STEM committee that the 25999  
program meets at least the following standards: 26000~~

~~(1) Unless the program is designed to serve only students 26001  
identified as gifted under Chapter 3324. of the Revised Code, the 26002  
program will serve all students enrolled ~~in the district or school 26003  
in the grades for which the program is designed. 26004~~~~

~~(2) The program will offer a rigorous and diverse curriculum 26005  
that is based on scientific inquiry and technological design, that 26006  
emphasizes personalized learning and teamwork skills, and that 26007  
will expose students to advanced scientific concepts within and 26008~~

~~outside the classroom. If the proposal is for a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the curriculum to foster creative thinking, problem solving, and new approaches to scientific invention.~~

~~(3) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.~~

~~(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.~~

~~(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence, it also shall include evidence that this partnership includes arts organizations.~~

~~(6) The program will include teacher professional development strategies that are augmented by community and business partners~~  
The program will provide students with the opportunity to innovate, develop an entrepreneurial spirit, engage in inquiry, and collaborate with individual accountability.

(3) The program will offer a rigorous, diverse, integrated, and problem- or project-based curriculum to students, with the goal to prepare students for post-secondary learning experiences, the workforce, and citizenship, and that does all of the following:

(a) Emphasizes and supports the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;

(b) Emphasizes the use of design thinking as a school-wide

approach; 26040

(c) Provides opportunities for students to engage in 26041  
personalized learning; 26042

(d) Includes the arts and humanities. If the proposal is for 26043  
distinction as a STEAM program of excellence, it also shall 26044  
include evidence that the curriculum will integrate arts and 26045  
design into the study of science, technology, engineering, and 26046  
mathematics to foster creative thinking, problem-solving, and new 26047  
approaches to scientific invention. 26048

(4) The district or service center leadership supports the 26049  
curriculum principles of division (B)(3) of this section. 26050

(5) The program's leaders participate in regular STEM-focused 26051  
professional development and share knowledge of best practices. 26052

(6) The program has established partnerships with 26053  
institutions of higher education and businesses. If the proposal 26054  
is for distinction as a STEAM program of excellence, it also shall 26055  
include evidence of established partnerships with one or more arts 26056  
organizations. 26057

(7) The program has received commitments of sustained and 26058  
verifiable fiscal and in-kind support from regional education and 26059  
business entities. If the proposal is for distinction as a STEAM 26060  
program of excellence, the program also has received commitments 26061  
of sustained and verifiable fiscal and in-kind support from arts 26062  
organizations. 26063

~~(D) The STEM committee shall give priority to proposals for~~ 26064  
~~new or expanding innovative programs~~ (C)(1) If a joint vocational 26065  
school district or educational service center receives a 26066  
distinction as a STEM program of excellence under this section, it 26067  
shall maintain that distinction for five years unless the STEM 26068  
committee revokes the distinction during that five-year period 26069  
under division (E) of this section. At the end of that five-year 26070

period, the district or service center shall reapply to the STEM committee in order to maintain that distinction. The committee shall authorize the continuation of the district's or service center's distinction as a STEM program of excellence if the committee finds that the district or service center is in compliance with this chapter and the provisions of its proposal and any subsequent amendments to that proposal.

If a joint vocational school district or educational service center chooses not to reapply for a distinction for a STEM program of excellence under division (C)(1) of this section, the committee shall revoke the district's or service center's distinction at the end of its five-year period of distinction.

(2) If a joint vocational school district or educational service center reapplies for distinction as a STEM program of excellence under division (C)(1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the district or service center, in collaboration with the department of education and the Ohio STEM learning network or its successor, to develop a corrective action plan. The district or service center shall implement the corrective action plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the district or service center fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the district's or service center's distinction.

(3) The department shall maintain records of the application status and designation renewal deadlines for each joint vocational school district or educational service center that has received a distinction as a STEM program of excellence under this section.

(D) If the STEM committee has reason to believe that a joint

vocational school district or educational service center that has 26103  
received a distinction as a STEM program of excellence under this 26104  
section is not in compliance with this chapter or the provisions 26105  
of its proposal and any subsequent amendments to that proposal, it 26106  
may review the district's or service center's distinction prior to 26107  
the end of the five-year period during which that distinction is 26108  
effective. If the committee reviews a district's or service 26109  
center's distinction under this division, it must require the 26110  
district or service center to develop a corrective action plan in 26111  
the same manner as specified in division (C)(2) of this section 26112  
and implement that plan and demonstrate exemplary STEM pedagogy 26113  
and practices within one year of the plan's development. If the 26114  
district or service center fails to implement the corrective 26115  
action plan to the satisfaction of the committee at the end of 26116  
that year, the committee shall revoke the district's or service 26117  
center's distinction. 26118

(E) If a joint vocational school district or educational 26119  
service center that has received distinction for a STEM program of 26120  
excellence instead wishes to ~~become a~~ receive a distinction for a 26121  
STEAM program of excellence, it may change its existing proposal 26122  
to include the items required under divisions ~~(C)(2)~~(B)(3)(d), 26123  
(B)(6), and ~~(C)(5)~~(B)(7) of this section and submit the revised 26124  
proposal to the STEM committee for approval. 26125

**Sec. 3326.07.** Each science, technology, engineering, and 26126  
mathematics school established under this chapter is a public 26127  
school, is part of the state's program of education, may contract 26128  
for any services necessary for the operation of the school, and 26129  
may continue in operation for as long as the school is in 26130  
compliance with the provisions of this chapter and with the 26131  
proposal for its establishment as approved by the STEM committee. 26132  
If the school closes for any reason, its assets shall be 26133  
distributed in the manner provided in the proposal for its 26134

establishment as required by division ~~(C)(9)~~(C)(11) of section 26135  
3326.03 of the Revised Code. 26136

**Sec. 3326.08.** (A) The governing body of each science, 26137  
technology, engineering, and mathematics school shall engage the 26138  
services of administrative officers, teachers, and nonteaching 26139  
employees of the STEM school necessary for the school to carry out 26140  
its mission and shall oversee the operations of the school. The 26141  
governing body of each STEM school shall engage the services of a 26142  
chief administrative officer to serve as the school's 26143  
instructional and administrative leader. The chief administrative 26144  
officer shall be granted the authority to oversee the recruitment, 26145  
retention, and employment of teachers and nonteaching employees. 26146

(B) The department of education shall monitor the oversight 26147  
of each STEM school exercised by the school's governing body and 26148  
shall monitor the school's compliance with this chapter and with 26149  
the proposal for the establishment of the school as it was 26150  
approved by the STEM committee under section ~~3326.04~~ 3326.03 of 26151  
the Revised Code. ~~If~~ Except in the case of a STEM school that is 26152  
governed and controlled by a school district in accordance with 26153  
section 3326.51 of the Revised Code, if the department finds that 26154  
the school is not in compliance with this chapter or with the 26155  
proposal and the STEM committee has revoked the school's STEM 26156  
designation under division (E)(1) or (2) or (F) of section 3326.03 26157  
of the Revised Code, the department shall consult with the STEM 26158  
committee, and the committee ~~may~~ shall order the school to close 26159  
on the last day of the school year in which the committee issues 26160  
its order. 26161

(C) The governing body of each STEM school shall comply with 26162  
sections 121.22 and 149.43 of the Revised Code. 26163

**Sec. 3326.081.** (A) As used in this section, "license" has the 26164

same meaning as in section 3319.31 of the Revised Code. 26165

(B) If a person who is employed by a science, technology, 26166  
engineering, and mathematics school established under this chapter 26167  
is arrested, summoned, or indicted for an alleged violation of an 26168  
offense listed in division (C) of section 3319.31 of the Revised 26169  
Code, if the person holds a license, or an offense listed in 26170  
division (B)(1) of section 3319.39 of the Revised Code, if the 26171  
person does not hold a license, the chief administrative officer 26172  
of the school shall suspend that person from all duties that 26173  
require the care, custody, or control of a child during the 26174  
pendency of the criminal action against the person. If the person 26175  
who is arrested, summoned, or indicted for an alleged violation of 26176  
an offense listed in division (C) of section 3319.31 or division 26177  
(B)(1) of section 3319.39 of the Revised Code is the chief 26178  
administrative officer of the school, the governing body of the 26179  
school shall suspend the chief administrative officer from all 26180  
duties that require the care, custody, or control of a child. 26181

(C) When a person who holds a license is suspended in 26182  
accordance with this section, the chief administrative officer or 26183  
governing body that imposed the suspension promptly shall report 26184  
the person's suspension to the department of education. The report 26185  
shall include the offense for which the person was arrested, 26186  
summoned, or indicted. The superintendent of public instruction, 26187  
on behalf of the state board of education, shall inactivate the 26188  
person's license. The inactivation shall remain in force during 26189  
the pendency of the criminal action against the person. The 26190  
inactivation of a license under this division does not constitute 26191  
a suspension or revocation of the license by the state board under 26192  
section 3319.31 of the Revised Code and the state board and the 26193  
state superintendent need not provide the person with an 26194  
opportunity for a hearing with respect to the inactivation. If the 26195  
state board does not take action against the person's license 26196

under section 3319.31 of the Revised Code, the state 26197  
superintendent shall reactivate the license upon conclusion of the 26198  
criminal action against the person. 26199

**Sec. 3326.11.** Each science, technology, engineering, and 26200  
mathematics school established under this chapter and its 26201  
governing body shall comply with sections 9.90, 9.91, 109.65, 26202  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 26203  
3301.0714, 3301.0715, 3301.0729, 3301.232, 3301.948, 3313.14, 26204  
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 26205  
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 26206  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 26207  
3313.6024, 3313.6025, 3313.6026, 3313.61, 3313.611, 3313.614, 26208  
3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 26209  
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 26210  
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 26211  
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 26212  
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 26213  
3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 26214  
3319.078, 3319.0812, 3319.21, 3319.318, 3319.32, 3319.321, 26215  
3319.35, 3319.39, 3319.391, 3319.393, 3319.394, 3319.41, 3319.45, 26216  
3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 26217  
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 26218  
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 26219  
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 26220  
4112., 4123., 4141., and 4167. of the Revised Code as if it were a 26221  
school district. 26222

**Sec. 3326.14.** Each science, technology, engineering, and 26223  
mathematics school and its governing body shall administer the 26224  
assessments required by sections 3301.0710, 3301.0711, and 26225  
3301.0712 of the Revised Code, as if it were a school district, 26226  
~~except that, notwithstanding any provision of those sections to~~ 26227

~~the contrary, any student enrolled in a grade lower than the tenth  
grade in a STEM school may take one or more of the Ohio graduation  
tests prescribed under division (B)(1) of section 3301.0710 of the  
Revised Code on any of the dates prescribed for that assessment.~~

Sec. 3326.23. This section does not apply to any science,  
technology, engineering, and mathematics school that is governed  
and controlled by a school district in accordance with section  
3326.51 of the Revised Code on or after the effective date of this  
amendment.

The governing body of each science, technology, engineering,  
and mathematics school annually shall provide the following  
assurances in writing to the department of education not later  
than ten business days prior to the opening of the school:

(A) That the school has a plan for providing special  
education and related services to students with disabilities and  
has demonstrated the capacity to provide those services in  
accordance with Chapter 3323. of the Revised Code and federal law;

(B) That the school has a plan and procedures for  
administering the achievement and diagnostic assessments  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the  
Revised Code;

(C) That school personnel have the necessary training,  
knowledge, and resources to properly use and submit information to  
all databases maintained by the department for the collection of  
education data, including the education management information  
system established under section 3301.0714 of the Revised Code;

(D) That all required information about the school has been  
submitted to the Ohio education directory system or any successor  
system;

(E) That all classroom teachers are licensed in accordance

with sections 3319.22 to 3319.31 of the Revised Code or are	26258
engaged to teach pursuant to section 3319.301 of the Revised Code;	26259
(F) That the school's treasurer is in compliance with section	26260
3326.21 of the Revised Code;	26261
(G) That the school has complied with sections 3319.39 and	26262
3319.391 of the Revised Code with respect to all employees and	26263
that the school has conducted a criminal records check of each of	26264
its governing body members;	26265
(H) That the school holds all of the following:	26266
(1) Proof of property ownership or a lease for the facilities	26267
used by the school;	26268
(2) A certificate of occupancy;	26269
(3) Liability insurance for the school, as required by	26270
section 3326.11 of the Revised Code;	26271
(4) A satisfactory health and safety inspection;	26272
(5) A satisfactory fire inspection;	26273
(6) A valid food permit, if applicable.	26274
(I) That the governing body has conducted a pre-opening site	26275
visit to the school for the school year for which the assurances	26276
are provided;	26277
(J) That the school has designated a date it will open for	26278
the school year for which the assurances are provided;	26279
(K) That the school has met all of the governing body's	26280
requirements for opening and any other requirements of the	26281
governing body.	26282
<b>Sec. 3326.42.</b> (A) As used in this section:	26283
(1) "Base per pupil amount" has the same meaning as in	26284
section 3317.0219 of the Revised Code.	26285

(2) "Eligible school district" has the same meaning as in 26286  
division (C)(1) of section 3317.0219 of the Revised Code. 26287

(3) "Resident district" has the same meaning as in section 26288  
3326.31 of the Revised Code. 26289

(B) Subject to division (D) of this section, for fiscal years 26290  
~~2020~~ 2022 and ~~2021~~ 2023, the department of education shall 26291  
calculate and pay to each science, technology, engineering, and 26292  
mathematics school student wellness and success funds, on a 26293  
full-time equivalency basis, for each student enrolled in the 26294  
school in the immediately preceding fiscal year in an amount equal 26295  
to the following: 26296

(The base per pupil amount of the student's resident district for 26297  
that fiscal year + the scaled amount of the student's resident 26298  
district, if any, computed under division (B)(4) of section 26299  
3317.0219 of the Revised Code) 26300

However, each science, technology, engineering, and 26301  
mathematics school shall receive a minimum payment of ~~\$25,000~~ 26302  
\$45,720, for fiscal year ~~2020~~ 2022, or ~~\$36,000~~ \$56,160 for fiscal 26303  
year ~~2021~~ 2023. 26304

(C) Subject to division (D) of this section, for fiscal years 26305  
~~2020~~ 2022 and ~~2021~~ 2023, the department shall pay to each science, 26306  
technology, engineering, and mathematics school student wellness 26307  
and success enhancement funds, on a full-time equivalency basis, 26308  
for each student enrolled in the school in the immediately 26309  
preceding fiscal year whose resident district is an eligible 26310  
school district, in an amount equal to the following: 26311

The amount paid to the student's resident district under division 26312  
(C)(2) of section 3317.0219 of the Revised Code for that fiscal 26313  
year / the enrolled ADM of the student's resident district for the 26314  
immediately preceding fiscal year 26315

(D) The department shall pay funds under divisions (B) and 26316

(C) of this section as follows: 26317

(1) One-half of the amount shall be paid not later than the 26318  
thirty-first day of October of the fiscal year for which the 26319  
payment is calculated. 26320

(2) One-half of the amount shall be paid not later than the 26321  
twenty-eighth day of February of the fiscal year for which the 26322  
payment is calculated. 26323

Upon making a payment for a fiscal year under this section, 26324  
the department shall not make any reconciliations or adjustments 26325  
to that payment. 26326

(E) A science, technology, engineering, and mathematics 26327  
school that receives a payment under this section shall comply 26328  
with section 3317.26 of the Revised Code. 26329

**Sec. 3326.51.** (A) As used in this section: 26330

(1) "Resident district" has the same meaning as in section 26331  
3326.31 of the Revised Code. 26332

(2) "STEM school sponsoring district" means a municipal, 26333  
city, local, or exempted village, ~~or joint vocational~~ school 26334  
district that governs and controls a STEM school pursuant to this 26335  
section. 26336

(B) Notwithstanding any other provision of this chapter to 26337  
the contrary: 26338

(1) If a proposal for a STEM school submitted under section 26339  
3326.03 of the Revised Code proposes that the governing body of 26340  
the school be the board of education of a municipal, city, local, 26341  
or exempted village, ~~or joint vocational~~ school district that is 26342  
one of the partners submitting the proposal, and the STEM 26343  
committee approves that proposal, that school district board shall 26344  
govern and control the STEM school as one of the schools of its 26345  
district. 26346

(2) The STEM school sponsoring district shall maintain a separate accounting for the STEM school as a separate and distinct operational unit within the district's finances. The auditor of state, in the course of an annual or biennial audit of the school district serving as the STEM school sponsoring district, shall audit that school district for compliance with the financing requirements of this section.

(3) With respect to students enrolled in a STEM school whose resident district is the STEM school sponsoring district:

(a) The department of education shall make no deductions under section 3326.33 of the Revised Code from the STEM school sponsoring district's state payments.

(b) The STEM school sponsoring district shall ensure that it allocates to the STEM school funds equal to or exceeding the amount that would be calculated pursuant to division (B) of section 3313.981 of the Revised Code for the students attending the school whose resident district is the STEM school sponsoring district.

(c) The STEM school sponsoring district is responsible for providing children with disabilities with a free appropriate public education under Chapter 3323. of the Revised Code.

(d) The STEM school sponsoring district shall provide student transportation in accordance with laws and policies generally applicable to the district.

(4) With respect to students enrolled in the STEM school whose resident district is another school district, the department shall make no payments or deductions under sections 3326.31 to 3326.49 of the Revised Code. Instead, the students shall be considered as open enrollment students and the department shall make payments and deductions in accordance with section 3313.981 of the Revised Code. The STEM school sponsoring district shall

allocate the payments to the STEM school. The STEM school 26378  
sponsoring district may enter into financial agreements with the 26379  
students' resident districts, which agreements may provide 26380  
financial support in addition to the funds received from the open 26381  
enrollment calculation. The STEM school sponsoring district shall 26382  
allocate all such additional funds to the STEM school. 26383

(5) Where the department is required to make, deny, reduce, 26384  
or adjust payments to a STEM school sponsoring district pursuant 26385  
to this section, it shall do so in such a manner that the STEM 26386  
school sponsoring district may allocate that action to the STEM 26387  
school. 26388

(6) A STEM school sponsoring district and its board may 26389  
assign its district employees to the STEM school, in which case 26390  
section 3326.18 of the Revised Code shall not apply. The district 26391  
and board may apply any other resources of the district to the 26392  
STEM school in the same manner that it applies district resources 26393  
to other district schools. 26394

(7) Provisions of this chapter requiring a STEM school and 26395  
its governing body to comply with specified laws as if it were a 26396  
school district and in the same manner as a board of education 26397  
shall instead require such compliance by the STEM school 26398  
sponsoring district and its board of education, respectively, with 26399  
respect to the STEM school. Where a STEM school or its governing 26400  
body is required to perform a specific duty or permitted to take a 26401  
specific action under this chapter, that duty is required to be 26402  
performed or that action is permitted to be taken by the STEM 26403  
school sponsoring district or its board of education, 26404  
respectively, with respect to the STEM school. 26405

(8) No provision of this chapter limits the authority, as 26406  
provided otherwise by law, of a school district and its board of 26407  
education to levy taxes and issue bonds secured by tax revenues. 26408

(9) The treasurer of the STEM school sponsoring district or, 26409  
if the STEM school sponsoring district is a municipal school 26410  
district, the chief financial officer of the district, shall have 26411  
all of the respective rights, authority, exemptions, and duties 26412  
otherwise conferred upon the treasurer or chief financial officer 26413  
by the Revised Code. 26414

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 26415  
and division (D) of section 3311.52 of the Revised Code, this 26416  
section and sections 3327.011, 3327.012, and 3327.02 of the 26417  
Revised Code do not apply to any joint vocational or cooperative 26418  
education school district. 26419

In all city, local, and exempted village school districts 26420  
where resident school pupils in grades kindergarten through eight 26421  
live more than two miles from the school for which the state board 26422  
of education prescribes minimum standards pursuant to division (D) 26423  
of section 3301.07 of the Revised Code and to which they are 26424  
assigned by the board of education of the district of residence or 26425  
to and from the nonpublic or community school which they attend, 26426  
the board of education shall provide transportation for such 26427  
pupils to and from that school except as provided in section 26428  
3327.02 of the Revised Code. 26429

In all city, local, and exempted village school districts 26430  
where pupil transportation is required under a career-technical 26431  
plan approved by the state board of education under section 26432  
3313.90 of the Revised Code, for any student attending a 26433  
career-technical program operated by another school district, 26434  
including a joint vocational school district, as prescribed under 26435  
that section, the board of education of the student's district of 26436  
residence shall provide transportation from the public high school 26437  
operated by that district to which the student is assigned to the 26438  
career-technical program. 26439

In all city, local, and exempted village school districts, 26440  
the board may provide transportation for resident school pupils in 26441  
grades nine through twelve to and from the high school to which 26442  
they are assigned by the board of education of the district of 26443  
residence or to and from the nonpublic or community high school 26444  
which they attend for which the state board of education 26445  
prescribes minimum standards pursuant to division (D) of section 26446  
3301.07 of the Revised Code. 26447

A board of education shall not be required to transport 26448  
elementary or high school pupils to and from a nonpublic or 26449  
community school where such transportation would require more than 26450  
thirty minutes of direct travel time as measured by school bus 26451  
from the public school building to which the pupils would be 26452  
assigned if attending the public school designated by the district 26453  
of residence. 26454

Where it is impractical to transport a pupil by school 26455  
conveyance, a board of education may offer payment, in lieu of 26456  
providing such transportation in accordance with section 3327.02 26457  
of the Revised Code. 26458

A board of education shall provide transportation to students 26459  
enrolled in a community school or nonpublic school in accordance 26460  
with this section on each day in which that school is open for 26461  
operation with students in attendance, regardless of whether the 26462  
district's own schools are open for operation with students in 26463  
attendance on that day. However, a board of education shall not be 26464  
required to transport elementary or high school pupils to and from 26465  
a nonpublic or community school on Saturday or Sunday, unless a 26466  
board of education and a nonpublic or community school have an 26467  
agreement in place to do so before the first day of July of the 26468  
school year in which the agreement takes effect. 26469

In all city, local, and exempted village school districts, 26470  
the board shall provide transportation for all children who are so 26471

disabled that they are unable to walk to and from the school for 26472  
which the state board of education prescribes minimum standards 26473  
pursuant to division (D) of section 3301.07 of the Revised Code 26474  
and which they attend. In case of dispute whether the child is 26475  
able to walk to and from the school, the health commissioner shall 26476  
be the judge of such ability. In all city, exempted village, and 26477  
local school districts, the board shall provide transportation to 26478  
and from school or special education classes for mentally disabled 26479  
children in accordance with standards adopted by the state board 26480  
of education. 26481

When transportation of pupils is provided the conveyance 26482  
shall be run on a time schedule that shall be adopted and put in 26483  
force by the board not later than ten days after the beginning of 26484  
the school term. 26485

The cost of any transportation service authorized by this 26486  
section shall be paid first out of federal funds, if any, 26487  
available for the purpose of pupil transportation, and secondly 26488  
out of state appropriations, in accordance with regulations 26489  
adopted by the state board of education. 26490

No transportation of any pupils shall be provided by any 26491  
board of education to or from any school which in the selection of 26492  
pupils, faculty members, or employees, practices discrimination 26493  
against any person on the grounds of race, color, religion, or 26494  
national origin. 26495

**Sec. 3327.016.** (A) As used in this section: 26496

(1) "Designated educational service center" means an 26497  
educational service center with which the city, local, or exempted 26498  
village school district has entered into a service agreement under 26499  
section 3313.843 of the Revised Code or, if a district has not 26500  
entered into a service agreement, the service center with the most 26501  
territory in the county in which the district is located. 26502

(2) "Eligible student" means a student entitled to transportation services from the city, local, or exempted village school district pursuant to section 3327.01 of the Revised Code. 26503  
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(B) Except as provided for in division (D) of this section, each community school established under Chapter 3314. of the Revised Code or chartered nonpublic school shall establish the school's start and end times for a particular school year not later than the first day of June prior to that school year. Each community or chartered nonpublic school shall provide such start and end times to each city, local, or exempted village school district that the school expects will be responsible for providing transportation services to eligible students enrolled in the school for that school year. 26506  
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(C) Except as provided for in division (D) of this section, each city, local, or exempted village school district that receives start and end times as prescribed under division (B) of this section shall use those start and end times to develop a transportation plan, including transportation routes and schedules, for eligible students who enrolled in a community or chartered nonpublic school not later than the first day of June prior to the school year described in that division. Each district shall develop and provide such transportation plan to the community or chartered nonpublic school not later than the first day of July of that school year. For any eligible student who enrolls in a community or chartered nonpublic school after the first day of June prior to that school year, a district shall develop a transportation plan, including transportation routes and schedules, for that student within fourteen calendar days of receiving a request for transportation services from the student's parent or guardian. 26516  
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(D) In the event that a city, local, or exempted village school district has twenty or more community or chartered 26533  
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nonpublic schools located in the district's territory, the 26535  
designated educational service center shall, for the purposes of 26536  
coordinating student transportation, convene a meeting with the 26537  
district and all community or chartered nonpublic schools in the 26538  
district's territory. The district and each community or chartered 26539  
nonpublic school shall provide any information the educational 26540  
service center determines is necessary for those purposes. Not 26541  
later than the fifteenth day of July of the school year for which 26542  
the educational service center is coordinating transportation 26543  
services, the service center shall approve a transportation plan, 26544  
including transportation routes and schedules, for each community 26545  
or chartered nonpublic school. 26546

(E) A student transportation plan developed under this 26547  
section, including transportation routes and schedules, shall not 26548  
result in an eligible student arriving to a community or chartered 26549  
nonpublic school more than one hour before that school's start 26550  
time, nor shall it result in that student being picked up from 26551  
that school more than one hour after the school's end time. 26552

**Sec. 3327.017.** (A) As used in this section: 26553

(1) "Eligible student" has the same meaning as in section 26554  
3327.016 of the Revised Code. 26555

(2) "Mass transit system" has the same meaning as in section 26556  
4511.78 of the Revised Code. 26557

(B) No city, local, or exempted village school district shall 26558  
provide or arrange for transportation for any eligible student 26559  
enrolled in any of grades kindergarten through eight in a 26560  
community school established under Chapter 3314. of the Revised 26561  
Code or chartered nonpublic school to and from school using 26562  
vehicles operated by a mass transit system, unless the district 26563  
enters into an agreement with that school authorizing such 26564  
transportation. An agreement under division (B) of this section 26565

shall not be effective unless both the school district and 26566  
community or chartered nonpublic school approve it. 26567

(C) A city, local, or exempted village school district that 26568  
elects to provide or arrange for transportation for any eligible 26569  
student enrolled in any of grades nine through twelve in a 26570  
community or chartered nonpublic school to and from school using 26571  
vehicles operated by a mass transit system shall do both of the 26572  
following: 26573

(1) Enter into a contract with the mass transit system that 26574  
requires that each student is transported using a vehicle 26575  
operating on a route designed for transporting fare-paying 26576  
passengers and students; 26577

(2) Ensure that the student is assigned to a route that does 26578  
not require the student to make more than one transfer. 26579

**Sec. 3327.02.** (A) After considering each of the following 26580  
factors, the board of education of a city, exempted village, or 26581  
local school district, or a community school governing authority 26582  
providing transportation pursuant to section 3314.091 of the 26583  
Revised Code, may determine that it is impractical to transport a 26584  
pupil who is eligible for transportation to and from a school 26585  
under section 3327.01 of the Revised Code: 26586

(1) The time and distance required to provide the 26587  
transportation; 26588

(2) The number of pupils to be transported; 26589

(3) The cost of providing transportation in terms of 26590  
equipment, maintenance, personnel, and administration; 26591

(4) Whether similar or equivalent service is provided to 26592  
other pupils eligible for transportation; 26593

(5) Whether and to what extent the additional service 26594  
unavoidably disrupts current transportation schedules; 26595

(6) Whether other reimbursable types of transportation are available. 26596  
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(B) Based on its consideration of the factors established in 26598  
division (A) of this section, the board or governing authority may 26599  
pass a resolution declaring the impracticality of transportation. 26600  
The resolution shall include each pupil's name and the reason for 26601  
impracticality. Such determination shall be made not later than 26602  
thirty calendar days prior to the district's or school's first day 26603  
of instruction, or in the case of a student who enrolls within 26604  
thirty calendar days prior to the first day of instruction or on 26605  
or after the first day of instruction, not later than fourteen 26606  
calendar days after the student's enrollment. The determination 26607  
may be made by the superintendent and formalized at the next 26608  
following meeting of the board or governing authority. 26609

The board or governing authority shall report its 26610  
determination to the state board of education in a manner 26611  
determined by the state board. 26612

In addition, the board or governing authority shall issue a 26613  
letter to the pupil's parent, guardian, or other person in charge 26614  
of the pupil and to the state board with a detailed description of 26615  
the reasons for which such determination was made. 26616

(C) After passing the resolution declaring the impracticality 26617  
of transportation, the district board or governing authority shall 26618  
offer to provide payment in lieu of transportation by doing the 26619  
following: 26620

(1) In accordance with guidelines established by the 26621  
department of education, informing the pupil's parent, guardian, 26622  
or other person in charge of the pupil of both of the following: 26623

(a) The resolution; 26624

(b) The right of the pupil's parent, guardian, or other 26625  
person in charge of the pupil to accept the offer of payment in 26626

lieu of transportation or to reject the offer and instead request 26627  
the department to initiate mediation procedures. 26628

(2) Issuing the pupil's parent, guardian, or other person in 26629  
charge of the pupil a contract or other form on which the parent, 26630  
guardian, or other person in charge of the pupil is given the 26631  
option to accept or reject the board's offer of payment in lieu of 26632  
transportation. 26633

(D) If the parent, guardian, or other person in charge of the 26634  
pupil accepts the offer of payment in lieu of providing 26635  
transportation, the board or governing authority shall pay the 26636  
parent, guardian, or other person in charge of the pupil an amount 26637  
that shall be not less than the amount determined by the general 26638  
assembly as the minimum for payment in lieu of transportation, and 26639  
not more than the amount determined by the department of education 26640  
as the average cost of pupil transportation for the previous 26641  
school year. Payment may be prorated if the time period involved 26642  
is only a part of the school year. 26643

(E)(1)(a) Upon the request of a parent, guardian, or other 26644  
person in charge of the pupil who rejected the payment in lieu of 26645  
transportation, the department shall conduct mediation procedures. 26646

(b) If the mediation does not resolve the dispute, the state 26647  
board ~~of education~~ shall conduct a hearing in accordance with 26648  
Chapter 119. of the Revised Code. The state board may approve the 26649  
payment in lieu of transportation or may order the district board 26650  
of education or governing authority to provide transportation. The 26651  
decision of the state board is binding in subsequent years and on 26652  
future parties in interest provided the facts of the determination 26653  
remain comparable. 26654

(2) The school district or governing authority shall provide 26655  
transportation for the pupil from the time the parent, guardian, 26656  
or other person in charge of the pupil requests mediation until 26657

the matter is resolved under division (E)(1)(a) or (b) of this section. 26658  
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(F)(1) If the department determines that a school district board or governing authority has failed or is failing to provide transportation as required by division (E)(2) of this section or as ordered by the state board under division (E)(1)(b) of this section, the department shall order the school district board or governing authority to pay to the pupil's parent, guardian, or other person in charge of the pupil, an amount equal to the state average daily cost of transportation as determined by the state board of ~~education~~ for the previous year. The school district board or governing authority shall make payments on a schedule ordered by the department. 26660  
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(2) If the department subsequently finds that a school district board is not in compliance with an order issued under division (F)(1) of this section and the affected pupils are enrolled in a nonpublic or community school, the department shall deduct the amount that the board is required to pay under that order from any pupil transportation payments the department makes to the school district board under section 3317.0212 of the Revised Code or other provisions of law. The department shall use the moneys so deducted to make payments to the nonpublic or community school attended by the pupil. The department shall continue to make the deductions and payments required under this division until the school district board either complies with the department's order issued under division (F)(1) of this section or begins providing transportation. 26671  
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(G) A nonpublic or community school that receives payments from the department under division (F)(2) of this section shall do either of the following: 26685  
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(1) Disburse the entire amount of the payments to the parent, guardian, or other person in charge of the pupil affected by the 26688  
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failure of the school district of residence to provide 26690  
transportation; 26691

(2) Use the entire amount of the payments to provide 26692  
acceptable transportation for the affected pupil. 26693

Sec. 3327.021. The department of education shall monitor each 26694  
city, local, or exempted village school district's compliance with 26695  
sections 3327.01 and 3327.016 and division (B) of section 3327.017 26696  
of the Revised Code. If the department determines a consistent or 26697  
prolonged period of noncompliance on the part of the school 26698  
district to provide transportation as required under those 26699  
sections, the department shall deduct from the district's payment 26700  
for student transportation under Chapter 3317. of the Revised Code 26701  
the total daily amount of that payment, as computed by the 26702  
department, for each day that the district is not in compliance. 26703

This section does not affect the authority of a school 26704  
district to provide payment in lieu of transportation in 26705  
accordance with section 3327.02 of the Revised Code. 26706

**Sec. 3328.18.** (A) As used in this section, "license" has the 26707  
same meaning as in section 3319.31 of the Revised Code. 26708

(B) If a person who is employed by a college-preparatory 26709  
boarding school established under this chapter or its operator is 26710  
arrested, summoned, or indicted for an alleged violation of an 26711  
offense listed in division (C) of section 3319.31 of the Revised 26712  
Code, if the person holds a license, or an offense listed in 26713  
division (B)(1) of section 3319.39 of the Revised Code, if the 26714  
person does not hold a license, the chief administrator of the 26715  
school in which that person works shall suspend that person from 26716  
all duties that require the care, custody, or control of a child 26717  
during the pendency of the criminal action against the person. If 26718  
the person who is arrested, summoned, or indicted for an alleged 26719

violation of an offense listed in division (C) of section 3319.31 26720  
or division (B)(1) of section 3319.39 of the Revised Code is the 26721  
chief administrator of the school, the board of trustees of the 26722  
school shall suspend the chief administrator from all duties that 26723  
require the care, custody, or control of a child. 26724

(C) When a person who holds a license is suspended in 26725  
accordance with this section, the chief administrator or board 26726  
that imposed the suspension promptly shall report the person's 26727  
suspension to the department of education. The report shall 26728  
include the offense for which the person was arrested, summoned, 26729  
or indicted. The superintendent of public instruction, on behalf 26730  
of the state board of education, shall inactivate the person's  
license. The inactivation shall remain in force during the  
pendency of the criminal action against the person. The  
inactivation of a license under this division does not constitute  
a suspension or revocation of the license by the state board under  
section 3319.31 of the Revised Code and the state board and the  
state superintendent need not provide the person with an  
opportunity for a hearing with respect to the inactivation. If the  
state board does not take action against the person's license  
under section 3319.31 of the Revised Code, the state  
superintendent shall reactivate the license upon conclusion of the  
criminal action against the person. 26731  
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**Sec. 3328.24.** A college-preparatory boarding school 26743  
established under this chapter and its board of trustees shall 26744  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 26745  
3301.0714, 3301.0729, 3301.948, 3313.6013, 3313.6021, 3313.6024, 26746  
3313.6025, 3313.6026, 3313.617, 3313.618, 3313.6114, 3313.6411, 26747  
3313.668, 3313.669, 3313.6610, 3313.7112, 3313.721, 3313.89, 26748  
3319.073, 3319.077, 3319.078, 3319.0812, 3319.318, 3319.39, 26749  
3319.391, 3319.393, 3319.394, 3319.46, 3320.01, 3320.02, 3320.03, 26750  
3323.251, and 5502.262, and Chapter 3365. of the Revised Code as 26751

if the school were a school district and the school's board of trustees were a district board of education. 26752  
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**Sec. 3333.049.** (A) Not later than July 1, 2016, the 26754  
chancellor of higher education shall revise the requirements for 26755  
reading endorsement programs offered by institutions of higher 26756  
education to align those requirements with the reading 26757  
competencies adopted by the state board of education under section 26758  
3301.077 of the Revised Code. 26759

(B) Each educator preparation program approved under section 26760  
3333.048 of the Revised Code shall require each candidate for an 26761  
educator license who enters the program in the 2022-2023 academic 26762  
year, or any academic year thereafter, to receive instruction in 26763  
computer science and computational thinking, as applied to student 26764  
learning and classroom instruction, as appropriate for the grade 26765  
level and subject area of the candidate's prospective educator 26766  
license. 26767

**Sec. 3333.0417.** (A) The chancellor of higher education may 26768  
adopt rules regarding when a state institution of higher 26769  
education, as defined in section 3345.011 of the Revised Code, may 26770  
withhold official transcripts from a student, including when a 26771  
student owes money to the institution. 26772

(B) In adopting rules under division (A) of this section, the 26773  
chancellor shall consider all of the following: 26774

(1) Promoting the state's postsecondary education attainment 26775  
goals; 26776

(2) Workforce goals; 26777

(3) Helping adult students complete their education, whether 26778  
at the same institution or another state institution of higher 26779  
education. 26780

Sec. 3333.301. (A) The chancellor of higher education, in collaboration with the management council of the Ohio education computer network established under section 3301.0715 of the Revised Code, shall establish a data system to track the free application for federal student aid form completion rate of public and chartered nonpublic school students in the state. 26781  
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(B) The chancellor and the management council shall develop guidelines and procedures for the operation of the system. 26787  
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(C) The chancellor may publish and share aggregate data regarding the free application for federal student aid, including completion counts and rates for the state and each school district, chartered nonpublic school, community school established under Chapter 3314., STEM school established under Chapter 3326., and college-preparatory boarding school established under Chapter 3328. of the Revised Code. Such data may be used for the benefit of public and chartered nonpublic schools, to increase public understanding regarding the free application for federal student aid, and to assist in encouraging student completion of the free application for federal student aid form. 26789  
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**Sec. 3333.61.** The chancellor of higher education shall 26800  
establish and administer the ~~Ohio innovation partnership, which~~ 26801  
~~shall consist of the~~ choose Ohio first scholarship program ~~and the~~ 26802  
~~Ohio research scholars program.~~ Under the ~~programs~~ program, the 26803  
chancellor, ~~subject to approval by the controlling board,~~ shall 26804  
make awards to state universities or colleges for programs and 26805  
initiatives that recruit students and ~~scientists~~ provide 26806  
work-based learning opportunities in the fields of science, 26807  
including health professions, technology, engineering, and 26808  
~~mathematics, medicine, and dentistry~~ to state universities or 26809  
colleges, in order to enhance regional educational and economic 26810  
strengths and meet the needs of the state's regional economies. 26811

Awards may be granted for programs and initiatives to be 26812  
implemented by a state university or college alone or in 26813  
collaboration with other state institutions of higher education, 26814  
nonpublic Ohio universities and colleges, or other public or 26815  
private Ohio entities. If the chancellor makes an award to a 26816  
program or initiative that is intended to be implemented by a 26817  
state university or college in collaboration with other state 26818  
institutions of higher education or nonpublic Ohio universities or 26819  
colleges, the chancellor may provide that some portion of the 26820  
award be received directly by the collaborating universities or 26821  
colleges consistent with all terms of the choose Ohio innovation 26822  
partnership first scholarship program. 26823

The choose Ohio first scholarship program shall assign a 26824  
number of scholarships to state universities and colleges to 26825  
recruit Ohio residents as undergraduate, ~~or as provided in section~~ 26826  
~~3333.66 of the Revised Code~~ graduate, students in the fields of 26827  
science, technology, engineering, and mathematics, ~~medicine, and~~ 26828  
~~dentistry~~, or in science, technology, engineering, or mathematics, 26829  
~~medical, or dental~~ education. The chancellor also may assign a 26830  
number of choose Ohio first scholarships to state universities and 26831  
colleges to recruit Ohio residents to enroll in certificate 26832  
programs in the fields of science, technology, engineering, and 26833  
mathematics, ~~medicine, and dentistry~~. Choose Ohio first 26834  
scholarships shall be awarded to each participating eligible 26835  
student as a grant to the state university or college the student 26836  
is attending and shall be reflected on the student's tuition bill. 26837  
Choose Ohio first scholarships are student-centered grants from 26838  
the state to students to use to attend a university or college and 26839  
are not grants from the state to universities or colleges. 26840

Notwithstanding any other provision of this section or 26841  
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 26842  
four-year Ohio institution of higher education may submit a 26843

proposal for choose Ohio first scholarships ~~or Ohio research~~ 26844  
~~scholars grants~~. If the chancellor awards a nonpublic institution 26845  
scholarships ~~or grants~~, the nonpublic institution shall comply 26846  
with all requirements of this section, sections 3333.62 to 3333.69 26847  
of the Revised Code, and the rules adopted under this section that 26848  
apply to state universities or colleges awarded choose Ohio first 26849  
scholarships ~~or Ohio research scholars grants~~. 26850

~~The Ohio research scholars program shall award grants to use~~ 26851  
~~in recruiting scientists to the faculties of state universities or~~ 26852  
~~colleges.~~ 26853

The chancellor shall adopt rules in accordance with Chapter 26854  
119. of the Revised Code to administer the ~~programs~~ program. 26855

**Sec. 3333.613.** There is hereby created in the state treasury 26856  
the choose Ohio first scholarship reserve fund to consist of such 26857  
amounts designated for the purposes of the fund by the general 26858  
assembly, the federal government, or other sources. As soon as 26859  
possible following the end of each fiscal year, the chancellor of 26860  
higher education shall certify to the director of budget and 26861  
management the unencumbered balance of the general revenue fund 26862  
appropriations made in the immediately preceding fiscal year for 26863  
purposes of the choose Ohio first scholarship program created in 26864  
section 3333.61 of the Revised Code. Upon receipt of the 26865  
certification, the director of budget and management may transfer 26866  
an amount not exceeding the certified amount from the general 26867  
revenue fund to the choose Ohio first scholarship reserve fund. 26868  
Moneys in the choose Ohio first scholarship reserve fund shall be 26869  
used to pay scholarship obligations in excess of the general 26870  
revenue fund appropriations made for that purpose. 26871

The director of budget and management may transfer any 26872  
unencumbered balance from the choose Ohio first scholarship 26873  
reserve fund to the general revenue fund. 26874

If it is determined that general revenue fund appropriations are insufficient to meet the obligations for the choose Ohio first scholarship in a fiscal year, the director of budget and management may transfer funds from the choose Ohio first scholarship reserve fund to the general revenue fund in order to meet those obligations. The amount transferred is hereby appropriated. If the funds transferred from the choose Ohio first scholarship reserve fund are not needed, the director of budget and management may transfer the unexpended balance from the general revenue fund back to the choose Ohio first scholarship reserve fund.

Sec. 3333.615. The primary care medical student, primary care nursing student, and primary care dental student components of the choose Ohio first scholarship program created under former sections 3333.611, 3333.612, and 3333.614 of the Revised Code as those sections existed prior to the effective date of this section are abolished on the effective date of this section.

**Sec. 3333.62.** The chancellor of higher education shall establish a competitive process for making awards under the choose Ohio first scholarship program ~~and the Ohio research scholars program. The chancellor, on completion of that process, shall make a recommendation to the controlling board asking for approval of each award selected by the chancellor.~~

Any state university or college may apply for ~~one or more awards~~ an award under ~~one or both programs~~ the program. The state university or college shall submit a proposal and other documentation required by the chancellor, in the form and manner prescribed by the chancellor, ~~for each award it seeks~~. A proposal may propose an initiative to be implemented solely by the state university or college or in collaboration with other state institutions of higher education, nonpublic Ohio universities or

colleges, or other public or nonpublic Ohio entities. ~~A single proposal may seek an award under one or both programs.~~

The chancellor shall determine which proposals will receive awards each fiscal year, and the amount of each award, on the basis of the merit of each proposal, which the chancellor, ~~subject to approval by the controlling board,~~ shall determine based on the extent to which a proposal recruits underrepresented populations in the fields of science, technology, engineering, and mathematics or science, technology, engineering, or mathematics education, along with one or more of the following criteria:

(A) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality;

(B) The extent to which the proposal is integrated with the strengths of the regional economy;

~~(C) The extent to which the proposal is integrated with centers of research excellence within the private sector;~~

~~(D) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, that the proposal pledges to leverage;~~

~~(E) The extent to which the proposal is collaborative with other public or nonpublic Ohio institutions of higher education;~~

~~(F) The extent to which the proposal is integrated with the university's or college's mission and does not displace existing resources already committed to the mission;~~

(D) The extent to which the university or college has committed to, or demonstrated, an increase in total graduates within the disciplines of science, technology, engineering, and mathematics or science, technology, engineering, or mathematics education, consistent with a goal to increase the total number of

<u>Ohio residents in the workforce who are highly qualified in these</u>	26936
<u>disciplines;</u>	26937
<del>(G) The extent to which the proposal facilitates a more</del>	26938
<del>efficient utilization of existing faculty and programs;</del>	26939
<del>(H)(E) The extent to which the proposal meets a statewide</del>	26940
<del>educational need;</del>	26941
<del>(I) The demonstrated productivity or future capacity of the</del>	26942
<del>students or scientists to be recruited;</del>	26943
<del>(J) The extent to which the proposal will create additional</del>	26944
<del>capacity in educational or economic areas of need;</del>	26945
<del>(K) The extent to which the proposal will encourage students</del>	26946
<del>who received degrees in the fields of science, technology,</del>	26947
<del>engineering, mathematics, or medicine from two year institutions</del>	26948
<del>to transfer to state universities or colleges to pursue</del>	26949
<del>baccalaureate degrees in science, technology, engineering,</del>	26950
<del>mathematics, or medicine;</del>	26951
<del>(L) The extent to which the proposal encourages students</del>	26952
<del>enrolled in state universities to transfer into science,</del>	26953
<del>technology, engineering, mathematics, or medicine programs;</del>	26954
<del>(M)(F) The extent to which the proposal facilitates the</del>	26955
<del>completion of <u>an associate or</u> a baccalaureate degree in a</del>	26956
<del>cost-effective manner, for example, by facilitating students'</del>	26957
<del>completing two years at a two-year institution and two years at a</del>	26958
<del>state university or college;</del>	26959
<del>(N) The extent to which the proposal allows attendance at a</del>	26960
<del>state university or college of students who otherwise could not</del>	26961
<del>afford to attend;</del>	26962
<del>(O) The extent to which other institutional, public, or</del>	26963
<del>private resources pledged to the proposal will be deployed to</del>	26964
<del>assist in sustaining students' scholarships over their academic</del>	26965

careers;	26966
<del>(P) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;</del>	26967 26968 26969 26970 26971
<del>(Q) The extent to which the proposal ensures that a student who is awarded a scholarship is appropriately qualified and prepared to successfully complete a degree program in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;</del>	26972 26973 26974 26975 26976
<del>(R) The extent to which the proposal will increase the number of women participating in the choose Ohio first scholarship program;</del>	26977 26978 26979
<del>(S)(G) The extent to which the proposal encourages students to complete a certificate program at a state university or college.</del>	26980 26981 26982
<b>Sec. 3333.63.</b> The chancellor of higher education shall conduct at least one public meeting annually, prior to deciding awards under the <u>choose Ohio innovation partnership first scholarship program</u> . At the meeting, an employee of the chancellor shall summarize the proposals submitted for consideration, and each state university or college that has a proposal pending shall have the opportunity to review the summary of their proposal prepared by the chancellor's staff and answer questions or respond to concerns about the proposal raised by the chancellor's staff.	26983 26984 26985 26986 26987 26988 26989 26990 26991
<b>Sec. 3333.64.</b> The chancellor of higher education shall endeavor to make awards under the choose Ohio first scholarship program <del>and the Ohio research scholars program</del> such that the aggregate, statewide amount of other institutional, public, and	26992 26993 26994 26995

private money pledged to the ~~proposals~~ program in each fiscal year 26996  
equals at least one hundred per cent of the aggregate amount of 26997  
the money awarded under ~~both programs~~ the program that year. The 26998  
~~chancellor shall endeavor to make awards under the choose Ohio~~ 26999  
~~first scholarship program in such a way that at least fifty per~~ 27000  
~~cent of the students receiving the scholarships are involved in a~~ 27001  
~~co-op or internship program in a private industry or a university~~ 27002  
~~laboratory. All students receiving a choose Ohio first scholarship~~ 27003  
~~shall be involved in work-based learning through a co-op,~~ 27004  
~~internship, experience in a university, college, or private~~ 27005  
~~laboratory, or other work-based learning experience. State~~ 27006  
~~universities or colleges or nonpublic four-year Ohio institutions~~ 27007  
~~of higher education may appeal to the chancellor for a waiver of~~ 27008  
~~this requirement in cases where exceptional circumstances make one~~ 27009  
~~hundred per cent placement in a work-based learning environment~~ 27010  
~~impractical or significantly unachievable. The value of~~ 27011  
institutional, public, or private industry co-ops and internships 27012  
shall count toward the statewide aggregate amount of other 27013  
institutional, public, or private money specified in this 27014  
paragraph. 27015

The chancellor also shall endeavor to ~~distribute awards in~~ 27016  
~~such a way that all regions of the state benefit from the economic~~ 27017  
~~development impact of the programs and shall guarantee provide~~ 27018  
that students from all regions of the state are able to 27019  
participate in the scholarship program. 27020

**Sec. 3333.65.** The chancellor of higher education shall 27021  
require each state university or college, and any nonpublic Ohio 27022  
university or college with which the state university or college 27023  
is collaborating, ~~that the controlling board approves to receive~~ 27024  
~~an award under the Ohio innovation partnership to enter into an~~ 27025  
agreement governing the use of ~~the~~ an award under the choose Ohio 27026  
first scholarship program. The agreement shall contain terms the 27027

chancellor determines to be necessary, ~~which shall include~~ 27028  
~~performance measures, reporting requirements, and an obligation to~~ 27029  
~~fulfill pledges of other institutional, public, or nonpublic~~ 27030  
~~resources for the proposal.~~ 27031

The chancellor may require a state university or college or a 27032  
nonpublic Ohio university or college that violates the terms of 27033  
the agreement to repay the award plus interest at the rate 27034  
required by section 5703.47 of the Revised Code ~~to the chancellor,~~ 27035  
~~except that the chancellor shall not hold a state or nonpublic~~ 27036  
~~university or college responsible for a repayment due to a student~~ 27037  
~~obligation under section 3333.611 of the Revised Code, until the~~ 27038  
~~state or nonpublic university or college is able to obtain~~ 27039  
~~repayment from the student or if the state or nonpublic university~~ 27040  
~~or college has certified collection of the repayment to the~~ 27041  
~~attorney general and has sent a copy of the certification to the~~ 27042  
~~chancellor.~~ 27043

~~If the chancellor makes an award to a program or initiative~~ 27044  
~~that is intended to be implemented by a state university or~~ 27045  
~~college in collaboration with other state institutions of higher~~ 27046  
~~education or nonpublic Ohio universities or colleges, the~~ 27047  
~~chancellor may enter into an agreement with the collaborating~~ 27048  
~~universities or colleges that permits awards to be received~~ 27049  
~~directly by the collaborating universities or colleges consistent~~ 27050  
~~with the terms of the program or initiative. In that case, the~~ 27051  
~~chancellor shall incorporate into the agreement terms consistent~~ 27052  
~~with the requirements of this section.~~ 27053

**Sec. 3333.66.** (A)(1) Except as provided in ~~divisions~~ division 27054  
(A)(2), ~~(3), and (4)~~ of this section, in each academic year, no 27055  
student who receives a choose Ohio first scholarship shall receive 27056  
less than one thousand five hundred dollars or more than one-half 27057  
of the highest in-state undergraduate instructional and general 27058

fees charged by all state universities. For this purpose, if Miami 27059  
university is implementing the pilot tuition restructuring plan 27060  
originally recognized in Am. Sub. H.B. 95 of the 125th general 27061  
assembly, that university's instructional and general fees shall 27062  
be considered to be the average full-time in-state undergraduate 27063  
instructional and general fee amount after taking into account the 27064  
Ohio resident and Ohio leader scholarships and any other credit 27065  
provided to all Ohio residents. 27066

~~(2) The chancellor of higher education may authorize a state 27067  
university or college or a nonpublic Ohio institution of higher 27068  
education to award a choose Ohio first scholarship in an amount 27069  
greater than one half of the highest in-state undergraduate 27070  
instructional and general fees charged by all state universities 27071  
to either of the following: 27072~~

~~(a) Any undergraduate student who qualifies for a scholarship 27073  
and is enrolled in a program leading to a teaching profession in 27074  
science, technology, engineering, mathematics, or medicine; 27075~~

~~(b) Any graduate student who qualifies for a scholarship, if 27076  
any initiatives are selected for award under division (B) of this 27077  
section. 27078~~

~~(3) The chancellor may authorize a state university or 27079  
college or a nonpublic Ohio institution of higher education to 27080  
award a choose Ohio first scholarship in the amount of not less 27081  
than five hundred dollars but not more than one-half of the 27082  
highest in-state undergraduate instructional and general fees 27083  
charged by all state universities to a student enrolled in a 27084  
certificate program designated as an eligible program by the 27085  
chancellor. 27086~~

~~(4)(3) A student receiving multiple awards under division (A) 27087  
of this section may not exceed the maximum permitted ~~provided that~~ 27088  
~~each award is within its permitted amount for each individual~~ 27089~~

award. 27090

~~(B) The chancellor shall encourage state universities and colleges, alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities, to submit proposals under the choose Ohio first scholarship program for initiatives that recruit either of the following:~~ 27091  
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~~(1) Ohio residents who enrolled in colleges and universities in other states or other countries to return to Ohio and enroll in state universities or colleges as graduate students in the fields of science, technology, engineering, mathematics, and medicine, or in the fields of science, technology, engineering, mathematics, or medical education. If such proposals are submitted and meet the chancellor's competitive criteria for awards, the chancellor, subject to approval by the controlling board, shall give at least one of the proposals preference for an award.~~ 27097  
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~~(2) Graduates, or undergraduates who will graduate in time to participate in the program described in this division by the subsequent school year, from an Ohio college or university who received, or will receive, a degree in science, technology, engineering, mathematics, or medicine to participate in a graduate level teacher education masters program in one of those fields that requires the student to establish a domicile in the state and to commit to teach for a minimum of three years in a hard to staff school district in the state upon completion of the master's degree program. The chancellor may require a college or university to give priority to qualified candidates who graduated from a high school in this state.~~ 27106  
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~~"Hard to staff" shall be as defined by the department of education.~~ 27118  
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~~(C) The general assembly intends that money appropriated for~~ 27120

the choose Ohio first scholarship program in each fiscal year be 27121  
used for scholarships in the following academic year. 27122

**Sec. 3333.68.** When making an award under the choose Ohio 27123  
~~innovation partnership~~ first scholarship program, the chancellor 27124  
of higher education, ~~subject to approval by the controlling board,~~ 27125  
may commit to giving a state university's or college's proposal 27126  
preference for future awards after the current fiscal year or 27127  
fiscal biennium. A proposal's eligibility for future awards 27128  
remains conditional on all of the following: 27129

(A) Future appropriations of the general assembly; 27130

(B) The university's or college's adherence to the agreement 27131  
entered into under section 3333.65 of the Revised Code, including 27132  
its fulfillment of pledges of other institutional, public, or 27133  
nonpublic resources; 27134

(C) ~~With respect to the choose Ohio first scholarship~~ 27135  
~~program,~~ a A demonstration that the students receiving the 27136  
scholarship are satisfied with the state universities or colleges 27137  
selected by the chancellor to offer the scholarships. 27138

The chancellor ~~and the controlling board~~ shall not commit to 27139  
awarding any proposal for more than five fiscal years at a time. 27140  
However, when a commitment for future awards expires, ~~a state~~ 27141  
~~university or college may reapply~~ the chancellor may grant a 27142  
one-time extension of the award for a period not to exceed four 27143  
years. 27144

**Sec. 3333.69.** The chancellor of higher education shall 27145  
monitor each initiative for which an award is granted under the 27146  
choose Ohio ~~innovation partnership~~ first scholarship program to 27147  
ensure the following: 27148

(A) Fiscal accountability, so that the award is used in 27149  
accordance with the agreement entered into under section 3333.65 27150

of the Revised Code; 27151

(B) Operating progress, so that the initiative is managed to 27152  
achieve the goals stated in the proposal and in the agreement, and 27153  
so that problems may be promptly identified and remedied; 27154

(C) Desired outcomes, so that the initiative contributes to 27155  
the ~~programs'~~ program's goals of enhancing regional educational 27156  
and economic strengths and meeting regional economic needs. 27157

**Sec. 3333.79.** (A) As used in this section, "minority" has the 27158  
same meaning as in section 184.17 of the Revised Code. The term 27159  
also includes an individual who is economically disadvantaged. 27160

(B) The chancellor of higher education shall conduct outreach 27161  
activities in Ohio that seek to include minorities in the Ohio 27162  
co-op/internship program established under section 3333.72 of the 27163  
Revised Code. The outreach activities shall include the following, 27164  
when appropriate: 27165

(1) Identifying and partnering with historically black 27166  
colleges and universities; 27167

(2) Working with all institutions of higher education in the 27168  
state to support minority faculty and students involved in 27169  
cooperative and intern programs; 27170

(3) Developing a plan to contact by telephone minorities and 27171  
other economically disadvantaged individuals to notify them of 27172  
opportunities to participate in the co-op/internship program; 27173

(4) Identifying minority professional and trade associations 27174  
and economic development assistance organizations and notifying 27175  
them of the co-op/internship program; 27176

(5) Partnering with regional technology councils to foster 27177  
local efforts to support minority participation in the 27178  
co-op/internship program. 27179

(C) To the extent possible, outreach activities described in 27180  
this section shall be conducted in conjunction with the EDGE 27181  
program created in section ~~123.152~~122.922 of the Revised Code. 27182

**Sec. 3333.80.** (A) As used in this section and in section 27183  
3333.801 of the Revised Code: 27184

(1) "At-risk student" means a primary or secondary school 27185  
student living in the state who is at least thirteen years of age 27186  
who meets one of the following conditions: 27187

(a) The student is eligible for a free or reduced price 27188  
lunch; 27189

(b) The student would have an expected family contribution of 27190  
zero dollars, as determined by the free application for federal 27191  
student aid, in grade twelve; 27192

(c) The student has either: 27193

(i) Been impacted by family opioid addiction; or 27194

(ii) Entered into recovery for opioid addiction. 27195

The chancellor shall define terms in division (A)(1)(c) of 27196  
this section as necessary to implement this section. 27197

(2) "College credit plus program" means the college credit 27198  
plus program established under Chapter 3365. of the Revised Code. 27199

(3) "Expected family contribution" has the same meaning as in 27200  
the rules adopted by the chancellor under section 3333.122 of the 27201  
Revised Code. 27202

(4) "Eligible state institution of higher education" includes 27203  
a community college established under Chapter 3354. of the Revised 27204  
Code, a technical college established under Chapter 3357. of the 27205  
Revised Code, a state community college established under Chapter 27206  
3358. of the Revised Code, and a state university as defined in 27207  
section 3345.011 of the Revised Code. 27208

(5) "School year" has the same meaning as in section 3313.62 of the Revised Code. 27209  
27210

(6) "Eligible for a free or reduced price lunch" means the student is eligible for a free or reduced price lunch under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended. 27211  
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(B) The OhioCorps ~~pilot~~ program is hereby created to provide at-risk students with guidance to a pathway to higher education. The ~~pilot~~ program shall consist of mentorship programs established and administered by eligible state institutions of higher education pursuant to rules adopted under division (C) of this section and scholarships under section 3333.801 of the Revised Code. ~~The mentorship programs shall operate in the 2019-2020 and 2020-2021 school years. Scholarships shall be available only for those students who participate in a mentorship program for both school years in which it is available.~~ 27216  
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(C) ~~Not later than ninety days after the effective date of this section, the~~ The chancellor shall adopt rules to administer the OhioCorps mentorship program. The rules shall include all of the following: 27226  
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(1) The requirements for an OhioCorps mentorship program proposed to be established by an eligible state institution of higher education, which shall include all of the following: 27230  
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27232

(a) A service-learning component for students enrolled in an eligible state institution of higher education that allows them to mentor at-risk middle and high school students, and to help the at-risk students' parents on any of the following topics: 27233  
27234  
27235  
27236

(i) Preparing for college and career planning; 27237

(ii) Tutoring in reading, writing, and mathematics; 27238

(iii) Opioid and drug education programs.	27239
The eligible state institution shall include a plan for	27240
training enrolled students to provide such mentoring, including	27241
seminars on financial literacy, opioid addiction education best	27242
practices, career guidance, and tutor skills.	27243
An eligible state institution may include other elements of	27244
community service within service-learning beyond mentoring	27245
opportunities.	27246
(b) A stipend to be paid to student mentors enrolled in an	27247
eligible state institution of higher education in an amount to be	27248
determined by each institution;	27249
(c) A plan for how eligible state institutions will partner	27250
with local providers and existing programs, such as Americorps and	27251
the Ohio commission on service and volunteerism created in section	27252
121.40 of the Revised Code, to create training, programs, and	27253
service-learning opportunities. Local partnerships under division	27254
(C)(1)(c) of this section also shall include a community service	27255
training program to be offered by local partners for at-risk	27256
students for purposes of scholarship eligibility under division	27257
(A)(6) of section 3333.801 of the Revised Code.	27258
(d) Criminal records checks and adherence to the recommended	27259
best practices adopted by the Ohio commission on service and	27260
volunteerism regarding volunteers with unsupervised access to	27261
children under section 121.401 of the Revised Code. A program	27262
shall not require an individual to comply with a criminal records	27263
check or any screening procedures under division (C)(1)(d) of this	27264
section if the individual has already undergone a criminal records	27265
check as part of the individual's current participation in an	27266
Americorps program or an existing program connected to the Ohio	27267
commission on service and volunteerism.	27268
An eligible state institution of higher education also may	27269

include in an OhioCorps mentorship program summer learning camps 27270  
or programs at the eligible institutions that provide higher 27271  
education experiences and college credit plus program 27272  
opportunities offered in the summer specifically for at-risk 27273  
students. These summer learning camps or programs may be offered 27274  
in any region of the state. 27275

(2) An application process under which an eligible state 27276  
institution of higher education may apply to establish an 27277  
OhioCorps mentorship program under this section, including 27278  
application deadlines; 27279

(3) A method to determine the amount of funding the 27280  
chancellor will award to each eligible state institution of higher 27281  
education approved to establish an OhioCorps mentorship program. 27282

(D) The chancellor shall submit a report to the general 27283  
assembly, in accordance with section 101.68 of the Revised Code, 27284  
at the end of the ~~2020-2021~~ 2021-2022 school year regarding the 27285  
implementation and outcomes of the OhioCorps ~~pilot~~ program. 27286

**Sec. 3333.801.** (A) The OhioCorps scholarship is hereby 27287  
established for at-risk students who meet the requirements of this 27288  
section. The chancellor of higher education shall award an 27289  
OhioCorps scholarship to each at-risk student who does all of the 27290  
following: 27291

(1) Fully participates in the mentorship program administered 27292  
by an eligible state institution of higher education under section 27293  
3333.80 of the Revised Code for as long as such program is in 27294  
existence or until the student completes high school; 27295

(2) Enrolls in an eligible state institution of higher 27296  
education; 27297

(3) Meets either of the following conditions: 27298

(a) Demonstrates that the student's expected family 27299

contribution would equal zero dollars, as determined by the free 27300  
application for federal student aid, in grade twelve; 27301

(b) Receives a letter which indicates that the student is in 27302  
recovery for opioid addiction or impacted by family opioid 27303  
addiction. The letter shall be written by a teacher, 27304  
administrator, judge, case worker, police officer, ~~healthcare~~ 27305  
health care professional, cleric, employee of a county department 27306  
of job and family services who is a professional and who works 27307  
with children and families, or another individual from a public 27308  
entity approved by the chancellor. The at-risk student shall 27309  
submit the letter to the student's school district or school. A 27310  
school district or school in possession of the student's letter 27311  
shall consider the letter to be subject to section 3319.321 of the 27312  
Revised Code and shall make the letter available to the chancellor 27313  
at the request of the chancellor in accordance with that section. 27314

(4) Achieves either of the following: 27315

(a) A score that meets remediation-free standards in 27316  
mathematics, reading, or English adopted under division (F) of 27317  
section 3345.061 of the Revised Code on a nationally standardized 27318  
assessment that measures college and career readiness and is used 27319  
for college admission; 27320

(b) A high school cumulative grade point average of 3.0 or 27321  
higher on a 4.0 scale. 27322

(5) Completes a college-preparatory curriculum in high 27323  
school, as determined by the chancellor; 27324

(6) Completes a community service training program offered by 27325  
a local partner under division (C)(1)(c) of section 3333.80 of the 27326  
Revised Code, and completes at least forty hours of community 27327  
service for each school year the student is enrolled in high 27328  
school; 27329

(7) Participates in the college credit plus program, and 27330

under that program completes and receives a passing grade in at least one course ~~each of English language arts and mathematics.~~

(B) The OhioCorps scholarship shall be a one-time award of one thousand dollars. However, the chancellor may adjust the amount of each scholarship awarded under this section based on availability of funds appropriated by the general assembly and remaining in the OhioCorps fund created in section 3333.802 of the Revised Code.

(C) The scholarship shall be paid to the eligible state institution of higher education in which each recipient enrolls and shall be credited by the institution to the recipient's account.

**Sec. 3333.802.** The OhioCorps fund is hereby created in the state treasury, to consist of such amounts designated for the purposes of the fund by the general assembly, the federal government, or other sources. The fund shall be used for the following purposes:

(A) To assist eligible state institutions of higher education to establish and administer an OhioCorps mentorship program under section 3333.80 of the Revised Code, including providing stipends for participating student mentors;

(B) Funding scholarships awarded under section 3333.801 of the Revised Code.

The fund may also be used by the chancellor of higher education to implement and administer the OhioCorps ~~pilot~~ program.

**Sec. 3345.063.** (A) As used in this section, "state university" has the same meaning as in section 3345.011 of the Revised Code.

(B) Beginning with the 2022-2023 academic year, each state

university shall recognize the successful completion of a course 27360  
in advanced computer science in high school, as described in the 27361  
standards adopted pursuant to division (A)(4) of section 3301.079 27362  
of the Revised Code, as a unit for admission to the university, as 27363  
follows: 27364

(1) The state university shall recognize one unit of advanced 27365  
computer science as one unit toward meeting a general mathematics 27366  
requirement, as determined by the university, if the student used 27367  
that advanced computer science unit to meet the mathematics 27368  
curriculum requirement under division (C)(3) of section 3313.603 27369  
of the Revised Code. 27370

(2) The state university shall recognize one unit of advanced 27371  
computer science as one unit toward meeting a general science 27372  
requirement, as determined by the university, if the student used 27373  
that advanced computer science unit to meet the science curriculum 27374  
requirement under division (C)(5) of section 3313.603 of the 27375  
Revised Code. 27376

(3) The state university shall recognize one unit of advanced 27377  
computer science as one unit toward meeting a general elective 27378  
requirement, as determined by the university, if the student used 27379  
the advanced computer science unit to meet the curriculum 27380  
requirement under division (C)(8) of section 3313.603 of the 27381  
Revised Code. 27382

(4) The state university shall recognize one unit of computer 27383  
coding as one unit toward meeting a general foreign language 27384  
requirement, as determined by the university, if the student used 27385  
the computer coding unit to meet a school district's or school's 27386  
foreign language curriculum requirement as described in division 27387  
(E) of section 3313.603 of the Revised Code. 27388

(C) Each state university shall post a description of the 27389  
university's recognition of advanced computer science as a core 27390

unit for admission to the university, as described in division (B) 27391  
of this section, in a prominent location on the university's web 27392  
site. 27393

**Sec. 3365.01.** As used in this chapter: 27394

(A) "Articulated credit" means post-secondary credit that is 27395  
reflected on the official record of a student at an institution of 27396  
higher education only upon enrollment at that institution after 27397  
graduation from a secondary school. 27398

(B) "Default ceiling amount" means one of the following 27399  
amounts, whichever is applicable: 27400

(1) For a participant enrolled in a college operating on a 27401  
semester schedule, the amount calculated according to the 27402  
following formula: 27403

$((0.83 \times \text{formula amount}) / 30)$  27404

X number of enrolled credit hours 27405

(2) For a participant enrolled in a college operating on a 27406  
quarter schedule, the amount calculated according to the following 27407  
formula: 27408

$((0.83 \times \text{formula amount}) / 45)$  27409

X number of enrolled credit hours 27410

(C) "Default floor amount" means twenty-five per cent of the 27411  
default ceiling amount. 27412

(D) "Eligible out-of-state college" means any institution of 27413  
higher education that is located outside of Ohio and is approved 27414  
by the chancellor of higher education to participate in the 27415  
college credit plus program. 27416

(E) "Fee" means any course-related fee and any other fee 27417  
imposed by the college, but not included in tuition, for 27418  
participation in the program established by this chapter. 27419

(F) "Formula amount" has the same meaning as in section 27420

3317.02 of the Revised Code.	27421
(G) "Governing entity" means <del>a</del> <u>any of the following:</u>	27422
<u>(1) A board of education of a school district,</u> <del>a</del> <u>i</u>	27423
<u>(2) A governing authority of a community school established</u> under Chapter 3314. <del>,</del> <del>a</del> <u>of the Revised Code;</u>	27424 27425
<u>(3) A governing body of a STEM school established under</u> Chapter 3326. <del>,</del> <del>or a</del> <u>of the Revised Code;</u>	27426 27427
<u>(4) A board of trustees of a college-preparatory boarding</u> school established under Chapter 3328. <u>of the Revised Code;</u>	27428 27429
<u>(5) When referring to the state school for the deaf or the</u> <u>state school for the blind, the state board of education;</u>	27430 27431
<u>(6) When referring to an institution operated by the</u> <u>department of youth services, the superintendent of that</u> <u>institution.</u>	27432 27433 27434
(H) "Home-instructed participant" means a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, and is participating in the program established by this chapter.	27435 27436 27437 27438
(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable:	27439 27440
(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	27441 27442 27443
((formula amount / 30)	27444
X number of enrolled credit hours)	27445
(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	27446 27447 27448
((formula amount / 45)	27449

X number of enrolled credit hours)	27450
(J) "Nonpublic secondary school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.	27451 27452 27453 27454
(K) "Number of enrolled credit hours" means the number of credit hours for a course in which a participant is enrolled during the previous term after the date on which a withdrawal from a course would have negatively affected the participant's transcribed grade, as prescribed by the college's established withdrawal policy.	27455 27456 27457 27458 27459 27460
(L) "Parent" has the same meaning as in section 3313.64 of the Revised Code.	27461 27462
(M) "Participant" means any student enrolled in a college under the program established by this chapter.	27463 27464
(N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.	27465 27466 27467
(O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an agreement in order to offer the program established by this chapter.	27468 27469 27470 27471
(P) "Private college" means any of the following:	27472
(1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	27473 27474
(2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code;	27475 27476 27477 27478
(3) A private institution exempt from regulation under	27479

Chapter 3332. of the Revised Code as prescribed in section	27480
3333.046 of the Revised Code.	27481
(Q) "Public college" means a "state institution of higher	27482
education" in section 3345.011 of the Revised Code, excluding the	27483
northeast Ohio medical university.	27484
(R) "Public secondary school" means a school serving grades	27485
nine through twelve in a city, local, or exempted village school	27486
district, a joint vocational school district, a community school	27487
established under Chapter 3314. <u>of the Revised Code</u> , a STEM school	27488
established under Chapter 3326. <u>of the Revised Code</u> , <del>or</del> a	27489
college-preparatory boarding school established under Chapter	27490
3328. of the Revised Code, <u>the state school for the deaf, the</u>	27491
<u>state school for the blind, or an institution operated by the</u>	27492
<u>department of youth services.</u>	27493
(S) "School year" has the same meaning as in section 3313.62	27494
of the Revised Code.	27495
(T) "Secondary grade" means any of grades nine through	27496
twelve.	27497
(U) "Standard rate" means the amount per credit hour assessed	27498
by the college for an in-state student who is enrolled in an	27499
undergraduate course at that college, but who is not participating	27500
in the college credit plus program, as prescribed by the college's	27501
established tuition policy.	27502
(V) "Transcripted credit" means post-secondary credit that is	27503
conferred by an institution of higher education and is reflected	27504
on a student's official record at that institution upon completion	27505
of a course.	27506
<b>Sec. 3365.03.</b> (A) A student enrolled in a public or nonpublic	27507
secondary school during the student's ninth, tenth, eleventh, or	27508
twelfth grade school year; a student enrolled in a nonchartered	27509

nonpublic secondary school in the student's ninth, tenth, 27510  
eleventh, or twelfth grade school year; or a student who has been 27511  
excused from the compulsory attendance law for the purpose of home 27512  
instruction under section 3321.04 of the Revised Code and is the 27513  
equivalent of a ninth, tenth, eleventh, or twelfth grade student, 27514  
may apply to and enroll in a college under the college credit plus 27515  
program. 27516

(1) In order for a public secondary school student to 27517  
participate in the program, all of the following criteria shall be 27518  
met: 27519

(a) The student or the student's parent shall inform the 27520  
principal, or equivalent, of the student's school by the first day 27521  
of April of the student's intent to participate in the program 27522  
during the following school year. Any student who fails to provide 27523  
the notification by the required date may not participate in the 27524  
program during the following school year without the written 27525  
consent of the principal, or equivalent. If a student seeks 27526  
consent from the principal after failing to provide notification 27527  
by the required date, the principal shall notify the department of 27528  
education of the student's intent to participate within ten days 27529  
of the date on which the student seeks consent. If the principal 27530  
does not provide written consent, the student may appeal the 27531  
principal's decision to the governing entity of the school, except 27532  
for a student who is enrolled in a school district, who may appeal 27533  
the decision to the district superintendent. Not later than thirty 27534  
days after the notification of the appeal, the district 27535  
superintendent or governing entity shall hear the appeal and shall 27536  
make a decision to either grant or deny that student's 27537  
participation in the program. The decision of the district 27538  
superintendent or governing entity shall be final. 27539

(b) The student shall: 27540

(i) Apply to a public or a participating private college, or 27541  
an eligible out-of-state college participating in the program, in 27542  
accordance with the college's established procedures for 27543  
admission, pursuant to section 3365.05 of the Revised Code; 27544

(ii) As a condition of eligibility, ~~be~~ satisfy one of the 27545  
following criteria: 27546

(I) Be remediation-free, in accordance with one of the 27547  
assessments established under division (F) of section 3345.061 of 27548  
the Revised Code. ~~However, a student who scores within one~~ 27549  
~~standard error of measurement below the remediation-free threshold~~ 27550  
~~for one of those assessments shall be considered to have met this~~ 27551  
~~requirement if the student also either:~~ 27552

~~(I) Has a cumulative high school grade point average of at~~ 27553  
~~least 3.0. If the student is seeking to participate under section~~ 27554  
~~3365.033 of the Revised Code, the student must have an equivalent~~ 27555  
~~cumulative grade point average in the applicable grade levels.;~~ 27556

~~(II) Receives a recommendation from a school counselor,~~ 27557  
~~principal, or career technical program advisor~~ Meet an alternative 27558  
remediation-free eligibility option, as defined by the chancellor 27559  
of higher education, in consultation with the superintendent of 27560  
public instruction, in rules adopted under this section; 27561

(III) Have participated in the program prior to the effective 27562  
date of this amendment and qualified to participate in the program 27563  
by scoring within one standard error of measurement below the 27564  
remediation-free threshold for one of the assessments established 27565  
under division (F) of section 3345.061 of the Revised Code and 27566  
satisfying one of the conditions specified under division 27567  
(A)(1)(b)(ii)(I) or (II) of this section as those divisions 27568  
existed prior to the effective date of this amendment. 27569

(iii) Meet the college's and relevant academic program's 27570  
established standards for admission, enrollment, and course 27571

placement, including course-specific capacity limitations, 27572  
pursuant to section 3365.05 of the Revised Code. 27573

(c) The student shall elect at the time of enrollment to 27574  
participate under either division (A) or (B) of section 3365.06 of 27575  
the Revised Code for each course under the program. 27576

(d) The student and the student's parent shall sign a form, 27577  
provided by the school, stating that they have received the 27578  
counseling required under division (B) of section 3365.04 of the 27579  
Revised Code and that they understand the responsibilities they 27580  
must assume in the program. 27581

(2) In order for a nonpublic secondary school student, a 27582  
nonchartered nonpublic secondary school student, or a 27583  
home-instructed student to participate in the program, both of the 27584  
following criteria shall be met: 27585

(a) The student shall meet the criteria in divisions 27586  
(A)(1)(b) and (c) of this section. 27587

(b)(i) If the student is enrolled in a nonpublic secondary 27588  
school, that student shall send to the department of education a 27589  
copy of the student's acceptance from a college and an 27590  
application. The application shall be made on forms provided by 27591  
the state board of education and shall include information about 27592  
the student's proposed participation, including the school year in 27593  
which the student wishes to participate; and the semesters or 27594  
terms the student wishes to enroll during such year. The 27595  
department shall mark each application with the date and time of 27596  
receipt. 27597

(ii) If the student is enrolled in a nonchartered nonpublic 27598  
secondary school or is home-instructed, the parent or guardian of 27599  
that student shall notify the department by the first day of April 27600  
prior to the school year in which the student wishes to 27601  
participate. 27602

(B) Except as provided for in division (C) of this section 27603  
and in sections 3365.031 and 3365.032 of the Revised Code: 27604

(1) No public secondary school shall prohibit a student 27605  
enrolled in that school from participating in the program if that 27606  
student meets all of the criteria in division (A)(1) of this 27607  
section. 27608

(2) No participating nonpublic secondary school shall 27609  
prohibit a student enrolled in that school from participating in 27610  
the program if the student meets all of the criteria in division 27611  
(A)(2) of this section and, if the student is enrolled under 27612  
division (B) of section 3365.06 of the Revised Code, the student 27613  
is awarded funding from the department in accordance with rules 27614  
adopted by the chancellor ~~of higher education~~, in consultation 27615  
with the superintendent of public instruction, pursuant to section 27616  
3365.071 of the Revised Code. 27617

(C) For purposes of this section, during the period of an 27618  
expulsion imposed by a public secondary school, a student is 27619  
ineligible to apply to enroll in a college under this section, 27620  
unless the student is admitted to another public secondary or 27621  
participating nonpublic secondary school. If a student is enrolled 27622  
in a college under this section at the time the student is 27623  
expelled, the student's status for the remainder of the college 27624  
term in which the expulsion is imposed shall be determined under 27625  
section 3365.032 of the Revised Code. 27626

(D) Upon a student's graduation from high school, 27627  
participation in the college credit plus program shall not affect 27628  
the student's eligibility at any public college for scholarships 27629  
or for other benefits or opportunities that are available to 27630  
first-time college students and are awarded by that college, 27631  
regardless of the number of credit hours that the student 27632  
completed under the program. 27633

(E) The college to which a student applies to participate 27634  
under this section shall pay for one assessment used to determine 27635  
that student's eligibility under this section. However, 27636  
notwithstanding anything to the contrary in Chapter 3365. of the 27637  
Revised Code, any additional assessments used to determine the 27638  
student's eligibility shall be the financial responsibility of the 27639  
student. 27640

**Sec. 3365.032.** (A) For purposes of this section: 27641

(1) The "expulsion of a student" or "expelling a student" 27642  
means the following: 27643

(a) For a public secondary school that is a school operated 27644  
by a city, local, exempted village, or joint vocational school 27645  
district, community school established under Chapter 3314. of the 27646  
Revised Code, or STEM school established under Chapter 3326. of 27647  
the Revised Code, the expulsion of a student or the act of 27648  
expelling a student under division (B) of section 3313.66 of the 27649  
Revised Code; 27650

(b) For a public secondary school that is a 27651  
college-preparatory boarding school, the expulsion of a student or 27652  
the act of expelling a student in accordance with the school's 27653  
bylaws adopted pursuant to section 3328.13 of the Revised Code; 27654

(c) For a public secondary school that is the state school 27655  
for the deaf or the state school for the blind, the expulsion of a 27656  
student or the act of expelling a student in accordance with rules 27657  
adopted by the state board of education. 27658

(2) A "policy to deny high school credit for courses taken 27659  
under the college credit plus program during an expulsion" means 27660  
the following: 27661

(a) For a public secondary school that is a school operated 27662  
by a city, local, exempted village, or joint vocational school 27663

district, community school established under Chapter 3314. of the 27664  
Revised Code, or STEM school established under Chapter 3326. of 27665  
the Revised Code, a policy adopted under section 3313.613 of the 27666  
Revised Code; 27667

(b) For a college-preparatory boarding school established 27668  
under Chapter 3328. of the Revised Code, a policy adopted in 27669  
accordance with the school's bylaws adopted pursuant to section 27670  
3328.13 of the Revised Code; 27671

(c) For the state school for the deaf or the state school for 27672  
the blind, a policy adopted in accordance with any rules adopted 27673  
by the state board requiring such a policy. 27674

(B) When a public secondary school expels a student under 27675  
division (B) of section 3313.66 of the Revised Code or, for a 27676  
college preparatory boarding school established under Chapter 27677  
3328. of the Revised Code, in accordance with the school's bylaws 27678  
adopted pursuant to section 3328.13 of the Revised Code, the 27679  
superintendent, or equivalent, shall send a written notice of the 27680  
expulsion to any college in which the expelled student is enrolled 27681  
under section 3365.03 of the Revised Code at the time the 27682  
expulsion is imposed. The notice shall indicate the date the 27683  
expulsion is scheduled to expire. The notice also shall indicate 27684  
whether the school has adopted a policy under section 3313.613 of 27685  
the Revised Code or, for a college preparatory boarding school, in 27686  
accordance with the school's bylaws adopted pursuant to section 27687  
3328.13 of the Revised Code to deny high school credit for courses 27688  
taken under the college credit plus program during an expulsion. 27689  
If the expulsion is extended under division (F) of section 3313.66 27690  
of the Revised Code or, for a college preparatory boarding school, 27691  
in accordance with the school's bylaws adopted pursuant to section 27692  
3328.13 of the Revised Code, the superintendent, or equivalent, 27693  
shall notify the college of the extension. 27694

(B)(C) A college may withdraw its acceptance under section 27695

3365.03 of the Revised Code of a student who is expelled from 27696  
school ~~under division (B) of section 3313.66 of the Revised Code~~ 27697  
~~or, for a college preparatory boarding school, in accordance with~~ 27698  
~~the school's bylaws adopted pursuant to section 3328.13 of the~~ 27699  
Revised Code. As provided in section 3365.03 of the Revised Code, 27700  
regardless of whether the college withdraws its acceptance of the 27701  
student for the college term in which the student is expelled, the 27702  
student is ineligible to enroll in a college under that section 27703  
for subsequent college terms during the period of the expulsion, 27704  
unless the student enrolls in another public school or a 27705  
participating nonpublic school during that period. 27706

If a college withdraws its acceptance of an expelled student 27707  
who elected either option of division (A)(1) or (2) of section 27708  
3365.06 of the Revised Code, the college shall refund tuition and 27709  
fees paid by the student in the same proportion that it refunds 27710  
tuition and fees to students who voluntarily withdraw from the 27711  
college at the same time in the term. 27712

If a college withdraws its acceptance of an expelled student 27713  
who elected the option of division (B) of section 3365.06 of the 27714  
Revised Code, the public school shall not award high school credit 27715  
for the college courses in which the student was enrolled at the 27716  
time the college withdrew its acceptance, and any reimbursement 27717  
under section 3365.07 of the Revised Code for the student's 27718  
attendance prior to the withdrawal shall be the same as would be 27719  
paid for a student who voluntarily withdrew from the college at 27720  
the same time in the term. If the withdrawal results in the 27721  
college's receiving no reimbursement, the college or secondary 27722  
school may require the student to return or pay for any textbooks 27723  
and materials it provided the student free of charge. 27724

~~(C)(D)~~ When a student who elected the option of division (B) 27725  
of section 3365.06 of the Revised Code is expelled ~~under division~~ 27726  
~~(B) of section 3313.66 of the Revised Code or, for a~~ 27727

~~college preparatory boarding school, in accordance with the~~ 27728  
~~school's bylaws adopted pursuant to section 3328.13 of the Revised~~ 27729  
~~Code from a public school that has adopted a policy under section~~ 27730  
~~3313.613 of the Revised Code or, for a college preparatory~~ 27731  
~~boarding school, in accordance with the school's bylaws adopted~~ 27732  
~~pursuant to section 3328.13 of the Revised Code to deny high~~ 27733  
school credit for courses taken under the college credit plus 27734  
program during an expulsion, that election is automatically 27735  
revoked for all college courses in which the student is enrolled 27736  
during the college term in which the expulsion is imposed. Any 27737  
reimbursement under section 3365.07 of the Revised Code for the 27738  
student's attendance prior to the expulsion shall be the same as 27739  
would be paid for a student who voluntarily withdrew from the 27740  
college at the same time in the term. If the revocation results in 27741  
the college's receiving no reimbursement, the college or secondary 27742  
school may require the student to return or pay for any textbooks 27743  
and materials it provided the student free of charge. 27744

Not later than five days after receiving an expulsion notice 27745  
from the superintendent, or equivalent, of a public school that 27746  
has adopted a policy ~~under section 3313.613 of the Revised Code~~ 27747  
~~or, for a college preparatory boarding school, in accordance with~~ 27748  
~~the school's bylaws adopted pursuant to section 3328.13 of the~~ 27749  
~~Revised Code~~ to deny high school credit for courses taken under 27750  
the college credit plus program during an expulsion, the college 27751  
shall send a written notice to the expelled student that the 27752  
student's election of division (B) of section 3365.06 of the 27753  
Revised Code is revoked. If the college elects not to withdraw its 27754  
acceptance of the student, the student shall pay all applicable 27755  
tuition and fees for the college courses and shall pay for any 27756  
textbooks and materials that the college or secondary school 27757  
provided to the student. 27758

**Sec. 3365.07.** The department of education shall calculate and 27759

pay state funds to colleges for participants in the college credit plus program under division (B) of section 3365.06 of the Revised Code pursuant to this section. For a nonpublic secondary school participant, a nonchartered nonpublic secondary school participant, or a home-instructed participant, the department shall pay state funds pursuant to this section only if that participant is awarded funding according to rules adopted by the chancellor of higher education, in consultation with the superintendent of public instruction, pursuant to section 3365.071 of the Revised Code. The program shall be the sole mechanism by which state funds are paid to colleges for students to earn transcribed credit for college courses while enrolled in both a secondary school and a college, with the exception of state funds paid to colleges according to an agreement described in division (A)(1) of section 3365.02 of the Revised Code.

(A) For each public or nonpublic secondary school participant enrolled in a public college:

(1) If no agreement has been entered into under division (A)(2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable amount as follows:

(i) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the lesser of the default ceiling amount or the college's standard rate;

(ii) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, the lesser of fifty per cent of the default ceiling amount or the college's standard rate;

(iii) For a participant enrolled in a college course

delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, the default floor amount.

(b) The participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments for each participant made by the department shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less. The chancellor may approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality. If no agreement is entered into under division (A)(2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable default amounts prescribed by division (A)(1)(a) of this section, depending upon the method of delivery and instruction.

(b) In accordance with division (A)(1)(b) of this section, the participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(3) No participant that is enrolled in a public college shall be charged for any tuition, textbooks, or other fees related to participation in the program.

(B) For each public secondary school participant enrolled in

a private college: 27821

(1) If no agreement has been entered into under division 27822  
(B)(2) of this section, the department shall pay to the college 27823  
the applicable amount calculated in the same manner as in division 27824  
(A)(1)(a) of this section. 27825

(2) The governing entity of a participant's secondary school 27826  
and the college may enter into an agreement to establish an 27827  
alternative payment structure for tuition, textbooks, and fees. 27828  
Under such an agreement, payments shall be not less than the 27829  
default floor amount, unless approved by the chancellor, and not 27830  
more than either the default ceiling amount or the college's 27831  
standard rate, whichever is less. 27832

If an agreement is entered into under division (B)(2) of this 27833  
section, both of the following shall apply: 27834

(a) The department shall make a payment to the college for 27835  
each participant that is equal to the default floor amount, unless 27836  
approved by the chancellor to pay an amount below the default 27837  
floor amount. The chancellor may approve an agreement that 27838  
includes a payment below the default floor amount, as long as the 27839  
provisions of the agreement comply with all other requirements of 27840  
this chapter to ensure program quality. 27841

(b) Payment for costs for the participant that exceed the 27842  
amount paid by the department pursuant to division (B)(2)(a) of 27843  
this section shall be negotiated by the school and the college. 27844  
The agreement may include a stipulation permitting the charging of 27845  
a participant. 27846

However, under no circumstances shall: 27847

(i) Payments for a participant made by the department under 27848  
division (B)(2) of this section exceed the lesser of the default 27849  
ceiling amount or the college's standard rate; 27850

(ii) The amount charged to a participant under division 27851  
(B)(2) of this section exceed the difference between the maximum 27852  
per participant charge amount and the default floor amount; 27853

(iii) The sum of the payments made by the department for a 27854  
participant and the amount charged to that participant under 27855  
division (B)(2) of this section exceed the following amounts, as 27856  
applicable: 27857

(I) For a participant enrolled in a college course delivered 27858  
on the college campus, at another location operated by the 27859  
college, or online, the maximum per participant charge amount; 27860

(II) For a participant enrolled in a college course delivered 27861  
at the participant's secondary school but taught by college 27862  
faculty, one hundred twenty-five dollars; 27863

(III) For a participant enrolled in a college course 27864  
delivered at the participant's secondary school and taught by a 27865  
high school teacher who has met the credential requirements 27866  
established for purposes of the program in rules adopted by the 27867  
chancellor, one hundred dollars. 27868

(iv) A participant that is identified as economically 27869  
disadvantaged according to rules adopted by the department be 27870  
charged under division (B)(2) of this section for any tuition, 27871  
textbooks, or other fees related to participation in the program. 27872

(C) For each nonpublic secondary school participant enrolled 27873  
in a private or eligible out-of-state college, the department 27874  
shall pay to the college the applicable amount calculated in the 27875  
same manner as in division (A)(1)(a) of this section. Payment for 27876  
costs for the participant that exceed the amount paid by the 27877  
department shall be negotiated by the governing body of the 27878  
nonpublic secondary school and the college. 27879

However, under no circumstances shall: 27880

(1) The payments for a participant made by the department 27881  
under this division exceed the lesser of the default ceiling 27882  
amount or the college's standard rate. 27883

(2) Any nonpublic secondary school participant, who is 27884  
enrolled in that secondary school with a scholarship awarded under 27885  
either the educational choice scholarship pilot program, as 27886  
prescribed by sections 3310.01 to 3310.17, or the pilot project 27887  
scholarship program, as prescribed by sections 3313.974 to 27888  
3313.979 of the Revised Code, and who qualifies as a low-income 27889  
student under either of those programs, be charged for any 27890  
tuition, textbooks, or other fees related to participation in the 27891  
college credit plus program. 27892

(D) For each nonchartered nonpublic secondary school 27893  
participant and each home-instructed participant enrolled in a 27894  
public, private, or eligible out-of-state college, the department 27895  
shall pay to the college the lesser of the default ceiling amount 27896  
or the college's standard rate, if that participant is enrolled in 27897  
a college course delivered on the college campus, at another 27898  
location operated by the college, or online. 27899

(E) Not later than thirty days after the end of each term, 27900  
each college expecting to receive payment for the costs of a 27901  
participant under this section shall notify the department of the 27902  
number of enrolled credit hours for each participant. 27903

(F) The department shall make the applicable payments under 27904  
this section to each college, which provided proper notification 27905  
to the department under division (E) of this section, for the 27906  
number of enrolled credit hours for participants enrolled in the 27907  
college under division (B) of section 3365.06 of the Revised Code. 27908  
Except in cases involving incomplete participant information or a 27909  
dispute of participant information, payments shall be made by the 27910  
last day of January for participants who were enrolled during the 27911  
fall term and by the last day of July for participants who were 27912

enrolled during the spring term. The department shall not make any 27913  
payments to a college under this section if a participant withdrew 27914  
from a course prior to the date on which a withdrawal from the 27915  
course would have negatively affected the participant's 27916  
transcripted grade, as prescribed by the college's established 27917  
withdrawal policy. 27918

(1) Payments made for public secondary school participants 27919  
under this section shall be deducted as follows: 27920

(a) For a participant enrolled in a school district, from the 27921  
school foundation payments made to the participant's school 27922  
district ~~or, if the participant is enrolled in a community school,~~ 27923  
~~a STEM school, or a college preparatory boarding school, from the~~ 27924  
~~payments made to that school under section 3314.08, 3326.33, or~~ 27925  
~~3328.34 of the Revised Code.~~ If the participant is enrolled in a 27926  
joint vocational school district, a portion of the amount shall be 27927  
deducted from the payments to the joint vocational school district 27928  
and a portion shall be deducted from the payments to the 27929  
participant's city, local, or exempted village school district in 27930  
accordance with the full-time equivalency of the student's 27931  
enrollment in each district. 27932

(b) For a participant enrolled in a community school 27933  
established under Chapter 3314. of the Revised Code, from the 27934  
payments made to that school under section 3314.08 of the Revised 27935  
Code; 27936

(c) For a participant enrolled in a STEM school, from the 27937  
payments made to that school under section 3326.33 of the Revised 27938  
Code; 27939

(d) For a participant enrolled in a college-preparatory 27940  
boarding school, from the payments made to that school under 27941  
section 3328.34 of the Revised Code; 27942

(e) For a participant enrolled in the state school for the 27943

deaf or the state school for the blind, from the amount paid to 27944  
that school with funds appropriated by the general assembly for 27945  
support of that school; 27946

(f) For a participant enrolled in an institution operated by 27947  
the department of youth services, from the amount paid to that 27948  
institution with funds appropriated by the general assembly for 27949  
support of that institution. Amounts 27950

Amounts deducted under ~~division~~ divisions (F)(1)(a) to (f) of 27951  
this section shall be calculated in accordance with rules adopted 27952  
by the chancellor, in consultation with the state superintendent, 27953  
pursuant to division (B) of section 3365.071 of the Revised Code 27954

(2) Payments made for nonpublic secondary school 27955  
participants, nonchartered nonpublic secondary school 27956  
participants, and home-instructed participants under this section 27957  
shall be deducted from moneys appropriated by the general assembly 27958  
for such purpose. Payments shall be allocated and distributed in 27959  
accordance with rules adopted by the chancellor, in consultation 27960  
with the state superintendent, pursuant to division (A) of section 27961  
3365.071 of the Revised Code. 27962

(G) Any public college that enrolls a student under division 27963  
(B) of section 3365.06 of the Revised Code may include that 27964  
student in the calculation used to determine its state share of 27965  
instruction funds appropriated to the department of higher 27966  
education by the general assembly. 27967

**Sec. 3501.302.** The secretary of state may enter into 27968  
agreements for the bulk purchase of election supplies in order to 27969  
reduce the costs for such purchases by individual boards of 27970  
elections. A board of elections desiring to participate in such 27971  
purchase agreements shall file with the secretary of state a 27972  
written request for inclusion. A request for inclusion shall 27973  
include an agreement to be bound by such terms and conditions as 27974

the secretary of state prescribes and to make direct payments to 27975  
the vendor under each purchase agreement. 27976

Nothing in this section prohibits a board of elections from 27977  
purchasing election supplies through the department of 27978  
administrative services under section 125.04 of the Revised Code. 27979

**Sec. 3701.132.** (A) As used in this section, "WIC program" 27980  
means the "special supplemental nutrition program for women, 27981  
infants, and children" established under the "Child Nutrition Act 27982  
of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. 27983

(B) The department of health is hereby designated as the 27984  
state agency to administer the WIC program. 27985

The director of health shall adopt rules pursuant to Chapter 27986  
119. of the Revised Code as necessary for administering the WIC 27987  
program. The rules may include civil money penalties for 27988  
violations of the rules. ~~The rules shall require a contract the 27989~~  
~~department enters into with a WIC clinic to include provisions 27990~~  
~~requiring the clinic to promote the use of technology-based 27991~~  
~~resources, such as mobile telephone or text messaging 27992~~  
~~applications, that offer tips on having a healthy pregnancy and 27993~~  
~~healthy baby to clinic clients who are pregnant or have an infant 27994~~  
~~who is less than one year of age. 27995~~

(C) In determining eligibility for services provided under 27996  
the WIC program, the department may use the application form 27997  
established under section 5163.40 of the Revised Code for the 27998  
healthy start program. The department may require applicants to 27999  
furnish their social security numbers. 28000

(D) If the department determines that a vendor has committed 28001  
an act with respect to the WIC program that federal statutes or 28002  
regulations or state statutes or rules prohibit, the department 28003  
shall take action against the vendor in the manner required by 7 28004

C.F.R. part 246, including imposition of a civil money penalty in 28005  
accordance with 7 C.F.R. 246.12, or rules adopted under this 28006  
section. 28007

**Sec. 3701.61.** (A) The department of health shall establish 28008  
the help me grow program as the state's evidence-based parent 28009  
support program that encourages early prenatal and well-baby care, 28010  
as well as provides parenting education to promote the 28011  
comprehensive health and development of children. The program 28012  
shall ~~also~~ provide home visiting services to families with a 28013  
pregnant woman or ~~an infant or toddler~~ child under ~~three~~ five 28014  
years of age ~~who~~ that meet the eligibility requirements 28015  
established in rules adopted under this section. Home visiting 28016  
services shall be provided through evidence-based home visiting 28017  
models or innovative, promising home visiting models recommended 28018  
by the Ohio home visiting consortium created under section 28019  
3701.612 of the Revised Code. 28020

(B) Families shall be referred to the appropriate home 28021  
visiting services through the central intake and referral system 28022  
created under section 3701.611 of the Revised Code. 28023

(C) To the extent possible, the goals of the help me grow 28024  
program shall be consistent with the goals of the federal home 28025  
visiting program, as specified by the maternal and child health 28026  
bureau of the health resources and services administration in the 28027  
United States department of health and human services or its 28028  
successor. 28029

(D) The director of health may enter into an interagency 28030  
agreement with one or more state agencies to implement the help me 28031  
grow program and ensure coordination of early childhood programs. 28032

(E) The director may distribute help me grow program funds 28033  
through contracts, grants, or subsidies to entities providing 28034  
services under the program. 28035

(F) As a condition of receiving payments for home visiting services, providers shall ~~do both of the following:~~ 28036  
28037

~~(1) Promote the use of technology based resources, such as mobile telephone or text messaging applications, that offer tips on having a healthy pregnancy and healthy baby to families with a pregnant woman or infant who is less than one year of age;~~ 28038  
28039  
28040  
28041

~~(2) Report report to the director data on the program performance indicators, specified in rules adopted under division (G) of this section, that are used to assess progress toward achieving all of the following:~~ 28042  
28043  
28044  
28045

~~(a)(1) The benchmark domains established for the federal home visiting program, including improvement in maternal and newborn health; reduction in child injuries, abuse, and neglect; improved school readiness and achievement; reduction in crime and domestic violence; and improved family economic self-sufficiency;~~ 28046  
28047  
28048  
28049  
28050

~~(b)(2) Improvement in birth outcomes and reduction in stillbirths, as that term is defined in section 3701.97 of the Revised Code;~~ 28051  
28052  
28053

~~(c)(3) Reduction in tobacco use by pregnant women, new parents, and others living in households with children.~~ 28054  
28055

The providers shall report the data in the format and within the time frames specified in the rules. 28056  
28057

The director shall prepare an annual report on the data received from the providers. The director shall make the report available on the internet web site maintained by the department of health. 28058  
28059  
28060  
28061

(G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following: 28062  
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28064  
28065

(1) Subject to division (H) of this section, eligibility requirements for home visiting services;	28066 28067
(2) Eligibility requirements for providers of home visiting services;	28068 28069
(3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation;	28070 28071 28072
(4) Procedures for appealing the denial of an application for program services or the termination of services;	28073 28074
(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider;	28075 28076 28077
(6) Procedures for addressing complaints;	28078
(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services;	28079 28080 28081 28082 28083
(8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted;	28084 28085 28086
(9) Criteria for payment of approved providers of program services;	28087 28088
(10) Any other rules necessary to implement the program.	28089
(H) When adopting rules required by division (G)(1) of this section, the department shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code are to receive priority over other families for home visiting services.	28090 28091 28092 28093 28094

**Sec. 3701.613.** Beginning in fiscal year 2018, the department 28095  
of health shall facilitate and allocate funds for a ~~biannual~~ 28096  
biennial summit on home visiting programs. The purpose of each 28097  
summit is to convene persons and government entities involved with 28098  
the delivery of home visiting services in this state, as well as 28099  
other interested persons, to do all of the following: 28100

(A) Share the latest research on evidence-based and 28101  
innovative, promising home visiting models; 28102

(B) Discuss strategies to ensure that home visiting programs 28103  
in this state use evidence-based or innovative, promising home 28104  
visiting models; 28105

(C) Discuss strategies to reduce tobacco use by families 28106  
participating in home visiting programs; 28107

(D) Present successes and challenges encountered by home 28108  
visiting programs. 28109

**Sec. 3701.831.** The director of health may assess the 28110  
operating funds of the department to pay a share of the 28111  
department's administrative costs. The assessments shall be based 28112  
on a plan that the director develops ~~and submits to the office of~~ 28113  
~~budget and management not later than the fifteenth day of July of~~ 28114  
~~the fiscal year in which the assessments are to be made. If the~~ 28115  
~~office of budget and management determines that the assessments~~ 28116  
~~proposed in the plan can be implemented with uniformity and~~ 28117  
~~administrative ease, it shall approve the plan within two weeks~~ 28118  
~~after it is submitted.~~ Assessments shall be paid from the funds 28119  
designated in the plan and credited by means of intrastate 28120  
transfer voucher to the central support indirect fund which is 28121  
hereby created in the state treasury. The fund shall be 28122  
administered by the director of health and used to pay 28123  
administrative costs of the department of health. 28124

**Sec. 3703.01.** (A) Except as otherwise provided in this 28125  
section, the division of industrial compliance in the department 28126  
of commerce shall do all of the following: 28127

(1) Inspect all nonresidential buildings within the meaning 28128  
of section 3781.06 of the Revised Code; 28129

(2) Condemn all unsanitary or defective plumbing that is 28130  
found in connection with those places; 28131

(3) Order changes in plumbing necessary to insure the safety 28132  
of the public health. 28133

(B)(1)(a) The division of industrial compliance, boards of 28134  
health of city and general health districts, and county building 28135  
departments shall not inspect plumbing or collect fees for 28136  
inspecting plumbing in particular types of buildings in any 28137  
municipal corporation that is certified by the board of building 28138  
standards under section 3781.10 of the Revised Code to exercise 28139  
enforcement authority for plumbing in those types of buildings. 28140

(b) The division shall not inspect plumbing or collect fees 28141  
for inspecting plumbing in particular types of buildings in any 28142  
health district that employs has given the division written notice 28143  
that it intends to inspect plumbing in the particular types of 28144  
buildings and that either: 28145

(i) Employs one or more plumbing inspectors, certified 28146  
pursuant to division (D) of this section 3781.10 of the Revised 28147  
Code, to enforce Chapters 3781. and 3791. of the Revised Code and 28148  
the rules adopted pursuant to those chapters relating to plumbing 28149  
in those types of buildings; 28150

(ii) Has a contract with a board of county commissioners or 28151  
another board of health, entered pursuant to division (C) of this 28152  
section, that authorizes a county building department or the other 28153  
board of health to inspect plumbing in the particular types of 28154

buildings in the health district. 28155

~~(c) The division shall not inspect plumbing or collect fees 28156  
for inspecting plumbing in particular types of buildings in any 28157  
health district where the county building department is authorized 28158  
to inspect those types of buildings pursuant to a contract 28159  
described in division (C)(1) of this section. 28160~~

~~(d) The division shall not inspect plumbing or collect fees 28161  
for inspecting plumbing in particular types of buildings in any 28162  
health district where the board of health has entered into a 28163  
contract with the board of health of another district to conduct 28164  
inspections pursuant to division (C)(2) of this section. 28165~~

(2) No county building department shall inspect plumbing or 28166  
collect fees for inspecting plumbing in any type of building in a 28167  
health district unless the department is authorized to inspect 28168  
that type of building pursuant to a contract described in division 28169  
(C)(1) of this section. 28170

(3) No municipal corporation shall inspect plumbing or 28171  
collect fees for inspecting plumbing in types of buildings for 28172  
which it is not certified by the board of building standards under 28173  
section 3781.10 of the Revised Code to exercise enforcement 28174  
authority. 28175

~~(4) No board of health of a health district shall inspect 28176  
plumbing or collect fees for inspecting plumbing in types of 28177  
buildings for which it does not have a plumbing inspector 28178  
certified pursuant to division (D) of this section. 28179~~

(C)(1) The board of health of a health district may enter 28180  
into a contract with a board of county commissioners to authorize 28181  
the county building department to inspect plumbing in buildings 28182  
within the health district. The contract may designate that the 28183  
department inspect either residential or nonresidential buildings, 28184  
as those terms are defined in section 3781.06 of the Revised Code, 28185

~~or both types of buildings, so long as the department employs or 28186  
contracts with a plumbing inspector certified pursuant to division 28187  
(D) of this section to inspect the types of buildings the contract 28188  
designates. The board of health may enter into a contract 28189  
regardless of whether the health district employs any certified 28190  
plumbing inspectors to enforce Chapters 3781. and 3791. of the 28191  
Revised Code. 28192~~

~~(2) The board of health of a health district, regardless of 28193  
whether it employs any certified plumbing inspectors to enforce 28194  
Chapters 3781. and 3791. of the Revised Code, may enter into a 28195  
contract with the board of health of another health district to 28196  
authorize that board to inspect plumbing in buildings within the 28197  
contracting board's district. The contract may designate the 28198  
inspection of either residential or nonresidential buildings as 28199  
defined in section 3781.06 of the Revised Code, or both types of 28200  
buildings, so long as the board that performs the inspections 28201  
employs a plumbing inspector certified pursuant to division (D) of 28202  
this section to inspect the types of buildings the contract 28203  
designates. 28204~~

~~(D) The superintendent of industrial compliance shall adopt 28205  
rules prescribing minimum qualifications based on education, 28206  
training, experience, or demonstrated ability, that the 28207  
superintendent shall use in certifying or recertifying plumbing 28208  
inspectors to do plumbing inspections for health districts and 28209  
county building departments that are authorized to perform 28210  
inspections pursuant to a contract under division (C)(1) of this 28211  
section, and for continuing education of plumbing inspectors. 28212  
Those minimum qualifications shall be related to the types of 28213  
buildings for which a person seeks certification. 28214~~

~~(E) The superintendent may enter into reciprocal 28215  
registration, licensure, or certification agreements with other 28216  
states and other agencies of this state relative to plumbing 28217~~

<del>inspectors if both of the following apply:</del>	28218
<del>(1) The requirements for registration, licensure, or</del>	28219
<del>certification of plumbing inspectors under the laws of the other</del>	28220
<del>state or laws administered by the other agency are substantially</del>	28221
<del>equal to the requirements the superintendent adopts under division</del>	28222
<del>(D) of this section for certifying plumbing inspectors.</del>	28223
<del>(2) The other state or agency extends similar reciprocity to</del>	28224
<del>persons certified under this chapter.</del>	28225
<del>(F) The superintendent may select and contract with one or</del>	28226
<del>more persons to do all of the following regarding examinations for</del>	28227
<del>certification of plumbing inspectors:</del>	28228
<del>(1) Prepare, administer, score, and maintain the</del>	28229
<del>confidentiality of the examination;</del>	28230
<del>(2) Maintain responsibility for all expenses required to</del>	28231
<del>comply with division (F)(1) of this section;</del>	28232
<del>(3) Charge each applicant a fee for administering the</del>	28233
<del>examination in an amount the superintendent authorizes;</del>	28234
<del>(4) Design the examination for certification of plumbing</del>	28235
<del>inspectors to determine an applicant's competence to inspect</del>	28236
<del>plumbing.</del>	28237
<del>(G) Standards and methods prescribed in local plumbing</del>	28238
<del>regulations shall not be less than those prescribed in Chapters</del>	28239
<del>3781. and 3791. of the Revised Code and the rules adopted pursuant</del>	28240
<del>to those chapters.</del>	28241
<del>(H)(E) Notwithstanding any other provision of this section,</del>	28242
<del>the division shall make a plumbing inspection of any building or</del>	28243
<del>other place that there is reason to believe is in a condition to</del>	28244
<del>be a menace to the public health.</del>	28245
<b>Sec. 3703.03.</b> In the administration of sections 3703.01 to	28246

3703.08 of the Revised Code, the division of industrial compliance 28247  
shall enforce rules governing plumbing adopted by the board of 28248  
building standards under authority of sections 3781.10 and 3781.11 28249  
of the Revised Code, ~~and register those persons engaged in or at~~ 28250  
~~the plumbing business.~~ 28251

Plans and specifications for all plumbing to be installed in 28252  
or for buildings coming within such sections shall be submitted to 28253  
and approved by the division before the contract for plumbing is 28254  
let. 28255

**Sec. 3709.291.** (A) As used in this section: 28256

(1) "Combined health district" means a single city health 28257  
district created under section 3709.051 of the Revised Code or a 28258  
general health district created under section 3709.07 or 3709.10 28259  
of the Revised Code. 28260

(2) "Current operating expenses," "subdivision," "taxing 28261  
authority," and "fiscal officer," have the same meanings as in 28262  
section 5705.01 of the Revised Code. 28263

(B) The board of health of a combined health district may, by 28264  
vote of two-thirds of the members of the board, declare by 28265  
resolution that the district's revenues will be insufficient to 28266  
provide an adequate amount for the necessary requirements of such 28267  
district, and that it is necessary to levy a tax in excess of the 28268  
ten-mill limitation to pay the current operating expenses of the 28269  
district. Such resolution shall conform to section 5705.19 of the 28270  
Revised Code, except that the increased rate may be in effect for 28271  
any number of years not exceeding ten. 28272

The resolution shall be certified and submitted in the manner 28273  
provided in section 5705.25 of the Revised Code, except that it 28274  
may be placed on the ballot in any election, and shall be 28275  
certified to the board of elections not less than ninety days 28276

before the election at which it will be voted upon. If the 28277  
district includes territory in more than one county, the 28278  
resolution shall be certified to the board of elections of each 28279  
county and submitted to all electors of the district. 28280

If the majority of the electors voting on a levy under this 28281  
section vote in favor of the levy, the board of health may levy a 28282  
tax within the district at the additional rate during the 28283  
specified period for current operating expenses. 28284

(C) When electors have approved a tax levy under this 28285  
section, the board of health of a combined health district may 28286  
anticipate a fraction of the proceeds of the levy and, from time 28287  
to time, issue anticipation notes in accordance with section 28288  
5705.191 or 5705.193 of the Revised Code. 28289

(D) If the board of health of a combined health district 28290  
levies a tax under this section all of the following shall apply: 28291

(1) The combined health district is a subdivision. 28292

(2) The board is a taxing authority. 28293

(3) The city or county treasurer of the district appointed 28294  
under section 3709.052 or 3709.10 of the Revised Code or the 28295  
custodian of funds of a district created under section 3709.07 of 28296  
the Revised Code, as applicable, is the district's fiscal officer. 28297

(4) The board shall comply with all requirements of Chapter 28298  
5705. of the Revised Code, notwithstanding section 3709.28 of the 28299  
Revised Code. 28300

(5) The health fund or district health fund of the combined 28301  
health district, as applicable, constitutes the general fund of 28302  
the combined district for the purpose of section 5705.09 of the 28303  
Revised Code. 28304

**Sec. 3713.02.** Subject to sections 3713.021 and 3713.022 of 28305  
the Revised Code, all of the following apply: 28306

(A) Except as provided in section 3713.05 of the Revised Code, no person shall import, manufacture, renovate, wholesale, or reupholster stuffed toys or articles of bedding, or sell or offer for sale any second-hand stuffed toy or any second-hand article of bedding, in this state without first registering to do so with the superintendent of industrial compliance in accordance with section 3713.05 of the Revised Code.

(B) No person shall manufacture, offer for sale, sell, deliver, or possess for the purpose of manufacturing, selling, or delivering, an article of bedding or a stuffed toy that is not labeled in accordance with section 3713.08 of the Revised Code.

(C) No person shall manufacture, offer for sale, sell, deliver, or possess for the purpose of manufacturing, selling, or delivering, an article of bedding or a stuffed toy that is falsely labeled.

(D) No person shall sell or offer for sale any secondhand article of bedding or any secondhand stuffed toy that has not been sanitized in accordance with section 3713.08 of the Revised Code.

(E) The possession of any article of bedding or stuffed toy in the course of business by a person required to obtain registration under this chapter, or by that person's agent or servant shall be prima-facie evidence of the person's intent to sell the article of bedding or stuffed toy.

**Sec. 3717.22.** (A) The following are not retail food establishments:

(1) A food service operation licensed under this chapter, including a food service operation that provides the services of a retail food establishment pursuant to an endorsement issued under section 3717.44 of the Revised Code;

(2) An entity exempt under divisions (B)(1) to (9) or (11) to

(13) of section 3717.42 of the Revised Code from the requirement 28337  
to be licensed as a food service operation and an entity exempt 28338  
under division (B)(10) of that section if the entity is regulated 28339  
by the department of agriculture as a food processing 28340  
establishment under section 3715.021 of the Revised Code; 28341

(3) A business or that portion of a business that is 28342  
regulated by the federal government or the department of 28343  
agriculture as a food manufacturing or food processing business, 28344  
including a business or that portion of a business regulated by 28345  
the department of agriculture under Chapter 911., 913., 915., 28346  
917., 918., or 925. of the Revised Code. 28347

(B) All of the following are exempt from the requirement to 28348  
be licensed as a retail food establishment: 28349

(1) An establishment with commercially prepackaged foods that 28350  
are not potentially hazardous and contained in displays, the total 28351  
space of which equals less than two hundred cubic feet; 28352

(2) A person at a farmers market ~~that is registered with the~~ 28353  
~~director of agriculture pursuant to section 3717.221 of the~~ 28354  
~~Revised Code~~ that offers for sale only one or more of the 28355  
following: 28356

(a) Fresh unprocessed fruits or vegetables; 28357

(b) Products of a cottage food production operation; 28358

(c) Tree syrup, sorghum, honey, apple syrup, or apple butter 28359  
that is produced by a tree syrup or sorghum producer, beekeeper, 28360  
or apple syrup or apple butter processor described in division (A) 28361  
of section 3715.021 of the Revised Code; 28362

(d) Wine as authorized under section 4303.2010 of the Revised 28363  
Code; 28364

(e) Commercially prepackaged food that is not potentially 28365  
hazardous, on the condition that the food is contained in 28366

displays, the total space of which equals less than one hundred 28367  
cubic feet on the premises where the person conducts business at 28368  
the farmers market. 28369

(3) A person who offers for sale at a roadside stand only 28370  
fresh fruits and fresh vegetables that are unprocessed; 28371

(4) A nonprofit organization exempt from federal income 28372  
taxation under section 501(c)(3) of the "Internal Revenue Code of 28373  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 28374  
funds by selling foods and that, if required to be licensed, would 28375  
be classified as risk level one in accordance with rules 28376  
establishing licensing categories for retail food establishments 28377  
adopted under section 3717.33 of the Revised Code, if the sales 28378  
occur inside a building and are for not more than seven 28379  
consecutive days or more than fifty-two separate days during a 28380  
licensing period. This exemption extends to any individual or 28381  
group raising all of its funds during the time periods specified 28382  
in division (B)(4) of this section for the benefit of the 28383  
nonprofit organization by selling foods under the same conditions. 28384

(5) An establishment that offers food contained in displays 28385  
of less than five hundred square feet, and if required to be 28386  
licensed would be classified as risk level one pursuant to rules 28387  
establishing licensing categories for retail food establishments 28388  
adopted under section 3717.33 of the Revised Code, on the 28389  
condition that the establishment offers the food for sale at 28390  
retail not more than six months in each calendar year; 28391

(6) A cottage food production operation, on the condition 28392  
that the operation offers its products directly to the consumer 28393  
from the site where the products are produced; 28394

(7) A tree syrup and sorghum processor, beekeeper, or apple 28395  
syrup and apple butter processor described in division (A) of 28396  
section 3715.021 of the Revised Code, on the condition that the 28397

processor or beekeeper offers only tree syrup, sorghum, honey, 28398  
apple syrup, or apple butter directly to the consumer from the 28399  
site where those products are processed; 28400

(8) A person who annually maintains five hundred or fewer 28401  
birds, on the condition that the person offers the eggs from those 28402  
birds directly to the consumer from the location where the eggs 28403  
are produced or at a farm product auction to which division 28404  
(B)(11) of this section applies; 28405

(9) A person who annually raises and slaughters one thousand 28406  
or fewer chickens, on the condition that the person offers dressed 28407  
chickens directly to the consumer from the location where the 28408  
chickens are raised and slaughtered or at a farm product auction 28409  
to which division (B)(11) of this section applies; 28410

(10) A person who raises, slaughters, and processes the meat 28411  
of nonamenable species described in divisions (A) and (B) of 28412  
section 918.12 of the Revised Code, on the condition that the 28413  
person offers the meat directly to the consumer from the location 28414  
where the meat is processed or at a farm product auction to which 28415  
division (B)(11) of this section applies; 28416

(11) A farm product auction, on the condition that it is 28417  
registered with the director pursuant to section 3717.221 of the 28418  
Revised Code that offers for sale at the farm product auction only 28419  
one or more of the following: 28420

(a) The products described in divisions (B)(8) to (10) of 28421  
this section that are produced, raised, slaughtered, or processed, 28422  
as appropriate, by persons described in divisions (B)(8) to (10) 28423  
of this section; 28424

(b) Fresh unprocessed fruits or vegetables; 28425

(c) Products of a cottage food production operation; 28426

(d) Tree syrup, sorghum, honey, apple syrup, or apple butter 28427

that is produced by a tree syrup or sorghum producer, beekeeper, 28428  
or apple syrup or apple butter processor described in division (A) 28429  
of section 3715.021 of the Revised Code. 28430

(12) An establishment that, with respect to offering food for 28431  
sale, offers only alcoholic beverages or prepackaged beverages 28432  
that are not potentially hazardous; 28433

(13) An establishment that, with respect to offering food for 28434  
sale, offers only alcoholic beverages, prepackaged beverages that 28435  
are not potentially hazardous, or commercially prepackaged food 28436  
that is not potentially hazardous, on the condition that the 28437  
commercially prepackaged food is contained in displays, the total 28438  
space of which equals less than two hundred cubic feet on the 28439  
premises of the establishment; 28440

(14) An establishment that, with respect to offering food for 28441  
sale, offers only fountain beverages that are not potentially 28442  
hazardous; 28443

(15) A person who offers for sale only one or more of the 28444  
following foods at a festival or celebration, on the condition 28445  
that the festival or celebration is organized by a political 28446  
subdivision of the state and lasts for a period not longer than 28447  
seven consecutive days: 28448

(a) Fresh unprocessed fruits or vegetables; 28449

(b) Products of a cottage food production operation; 28450

(c) Tree syrup, sorghum, honey, apple syrup, or apple butter 28451  
if produced by a tree syrup or sorghum processor, beekeeper, or 28452  
apple syrup or apple butter processor as described in division (A) 28453  
of section 3715.021 of the Revised Code; 28454

(d) Commercially prepackaged food that is not potentially 28455  
hazardous, on the condition that the food is contained in 28456  
displays, the total space of which equals less than one hundred 28457

cubic feet;	28458
(e) Fruit butter produced at the festival or celebration and sold from the production site.	28459 28460
(16) A farm market on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm market only one or more of the following:	28461 28462 28463 28464
(a) Fresh unprocessed fruits or vegetables;	28465
(b) Products of a cottage food production operation;	28466
(c) Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;	28467 28468 28469 28470
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;	28471 28472 28473 28474 28475
(e) Cider and other juices manufactured on site at the farm market;	28476 28477
(f) The products or items described in divisions (B)(8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person annually raises and slaughters one thousand or fewer chickens.	28478 28479 28480 28481 28482 28483 28484
(17)(a) An establishment to which all of the following apply:	28485
(i) The establishment has been issued an A-2 permit under section 4303.03 of the Revised Code or an A-2f permit under	28486 28487

section 4303.031 of the Revised Code, annually produces ten 28488  
thousand gallons or less of wine, and sells that wine in 28489  
accordance with Chapter 4303. of the Revised Code on the premises 28490  
of the establishment. 28491

(ii) The establishment serves unopened commercially 28492  
prepackaged food, other than wine. 28493

(iii) The amount of the establishment's commercially 28494  
prepackaged food sales, other than wine sales, for the previous 28495  
calendar year did not exceed five per cent of the establishment's 28496  
total gross receipts. 28497

(b) The owner or operator of the establishment shall notify 28498  
the director that it is exempt from licensure because it qualifies 28499  
under division (B)(17)(a) of this section. The owner or operator 28500  
also shall display a notice in a place conspicuous to all of its 28501  
guests informing them that the establishment is not required to be 28502  
licensed as a retail food establishment. 28503

**Sec. 3717.221.** (A) ~~Any~~ Either of the following may register 28504  
with the director of agriculture: 28505

(1) A farm market, which is a location where a producer 28506  
offers fruits, vegetables, and other items for sale; 28507

(2) ~~A farmers market, which is a location where producers~~ 28508  
~~congregate to offer fruits, vegetables, and other items for sale;~~ 28509

~~(3)~~ A farm product auction, which is a location where 28510  
agricultural products, including food products, are offered for 28511  
sale at auction. 28512

(B) The director shall inspect each farm market, ~~farmers~~ 28513  
~~market,~~ and farm product auction that registers under this 28514  
section. Inspections shall occur at a frequency considered 28515  
appropriate by the director and shall be conducted in accordance 28516  
with sanitation standards established in rules adopted under this 28517

section. 28518

(C) The director shall adopt rules in accordance with Chapter 28519  
119. of the Revised Code as necessary to administer this section. 28520

**Sec. 3721.02.** (A) As used in this section, "residential 28521  
facility" means a residential facility licensed under section 28522  
5119.34 of the Revised Code that provides accommodations, 28523  
supervision, and personal care services for three to sixteen 28524  
unrelated adults. 28525

(B)(1) The director of health shall license homes and 28526  
establish procedures to be followed in inspecting and licensing 28527  
homes. The director may inspect a home at any time. ~~Each~~ The 28528  
director may enter at any time, for the purposes of investigation, 28529  
any institution, residence, facility, or other structure that has 28530  
been reported to the director or that the director has reasonable 28531  
cause to believe is operating as a nursing home, residential care 28532  
facility, or home for the aging without a valid license required 28533  
by section 3721.05 of the Revised Code or, in the case of a county 28534  
home or district home, is operating despite the revocation of its 28535  
residential care facility license. The director may delegate the 28536  
director's authority and duties under this chapter to any 28537  
division, bureau, agency, or official of the department of health. 28538

(2)(a) Except as provided in division (B)(2)(b) of this 28539  
section, prior to the issuance of a license, each home shall be 28540  
inspected by the director at least once prior to the issuance of a 28541  
license and at least once every fifteen months thereafter. The and 28542  
the state fire marshal or a township, municipal, or other legally 28543  
constituted fire department approved by the marshal ~~shall also~~ 28544  
~~inspect a home prior to issuance of a license,~~ 28545

(b) The inspections set forth in division (B)(2)(a) of this 28546  
section are not required prior to the issuance of a license if 28547  
ownership of the home is assigned or transferred to a different 28548

person and the home was licensed under this chapter immediately 28549  
prior to the assignment or transfer. 28550

(3) After issuance of a license by the director, each home 28551  
shall be inspected as follows: 28552

(a) By the director at least once every fifteen months 28553  
thereafter, and at any other time requested by the director. A 28554  
home does not have to be inspected prior to issuance of a license 28555  
by the director, state fire marshal, or a fire department if 28556  
ownership of the home is assigned or transferred to a different 28557  
person and the home was licensed under this chapter immediately 28558  
prior to the assignment or transfer except that a home that is a 28559  
residential care facility, or part of a home for the aging that is 28560  
licensed as a residential care facility, may, at the discretion of 28561  
the director, be inspected at least once every thirty months if 28562  
all of the following apply: 28563

(i) During the two most recent consecutive inspections that 28564  
occurred at least once every fifteen months, there were no 28565  
substantiated violations against the residential care facility; 28566

(ii) During the time period of the inspections referred to in 28567  
division (B)(4)(a) of this section, there were no substantiated 28568  
violations against the residential care facility from any other 28569  
inspections or from any investigations of complaints; 28570

(iii) The residential care facility does not have any 28571  
outstanding violations from any previous inspections or 28572  
investigations. 28573

(b) By the state fire marshal or a township, municipal, or 28574  
other legally constituted fire department approved by the marshal 28575  
at least once every fifteen months. 28576

(4) A nursing home does not need to be inspected before the 28577  
director increases the nursing home's licensed capacity if the 28578  
beds being added to the nursing home are placed in resident rooms 28579

that were inspected, as part of the most recent previous 28580  
inspection of the nursing home, for the same number of residents 28581  
proposed to be placed in a room after the capacity increase. The 28582  
~~director may enter at any time, for the purposes of investigation,~~ 28583  
~~any institution, residence, facility, or other structure that has~~ 28584  
~~been reported to the director or that the director has reasonable~~ 28585  
~~cause to believe is operating as a nursing home, residential care~~ 28586  
~~facility, or home for the aging without a valid license required~~ 28587  
~~by section 3721.05 of the Revised Code or, in the case of a county~~ 28588  
~~home or district home, is operating despite the revocation of its~~ 28589  
~~residential care facility license. The director may delegate the~~ 28590  
~~director's authority and duties under this chapter to any~~ 28591  
~~division, bureau, agency, or official of the department of health.~~ 28592

~~(2)(5)~~(a) If, prior to issuance of a license, a home submits 28593  
a request for an expedited licensing inspection and the request is 28594  
submitted in a manner and form approved by the director, the 28595  
director shall commence an inspection of the home not later than 28596  
ten business days after receiving the request. 28597

(b) On request, submitted in a manner and form approved by 28598  
the director, the director may review plans for a building that is 28599  
to be used as a home for compliance with applicable state and 28600  
local building and safety codes. 28601

(c) The director may charge a fee for an expedited licensing 28602  
inspection or a plan review that is adequate to cover the expense 28603  
of expediting the inspection or reviewing the plans. The fee shall 28604  
be deposited in the state treasury to the credit of the general 28605  
operations fund created in section 3701.83 of the Revised Code and 28606  
used solely for expediting inspections and reviewing plans. 28607

(C) A single facility may be licensed both as a nursing home 28608  
pursuant to this chapter and as a residential facility pursuant to 28609  
section 5119.34 of the Revised Code if the director determines 28610  
that the part or unit to be licensed as a nursing home can be 28611

maintained separate and discrete from the part or unit to be 28612  
licensed as a residential facility. 28613

(D) In determining the number of residents in a home for the 28614  
purpose of licensing, the director shall consider all the 28615  
individuals for whom the home provides accommodations as one group 28616  
unless one of the following is the case: 28617

(1) The home is a home for the aging, in which case all the 28618  
individuals in the part or unit licensed as a nursing home shall 28619  
be considered as one group, and all the individuals in the part or 28620  
unit licensed as a rest home shall be considered as another group. 28621

(2) The home is both a nursing home and a residential 28622  
facility. In that case, all the individuals in the part or unit 28623  
licensed as a nursing home shall be considered as one group, and 28624  
all the individuals in the part or unit licensed as an adult care 28625  
facility shall be considered as another group. 28626

(3) The home maintains, in addition to a nursing home or 28627  
residential care facility, a separate and discrete part or unit 28628  
that provides accommodations to individuals who do not require or 28629  
receive skilled nursing care and do not receive personal care 28630  
services from the home, in which case the individuals in the 28631  
separate and discrete part or unit shall not be considered in 28632  
determining the number of residents in the home if the separate 28633  
and discrete part or unit is in compliance with the Ohio basic 28634  
building code established by the board of building standards under 28635  
Chapters 3781. and 3791. of the Revised Code and the home permits 28636  
the director, on request, to inspect the separate and discrete 28637  
part or unit and speak with the individuals residing there, if 28638  
they consent, to determine whether the separate and discrete part 28639  
or unit meets the requirements of this division. 28640

(E)(1) The director of health shall charge the following 28641  
application fee and annual renewal licensing and inspection fee 28642

for each fifty persons or part thereof of a home's licensed capacity: 28643  
28644

(a) For state fiscal year 2010, two hundred twenty dollars; 28645

(b) For state fiscal year 2011, two hundred seventy dollars; 28646

(c) For each state fiscal year thereafter, three hundred twenty dollars. 28647  
28648

(2) All fees collected by the director for the issuance or renewal of licenses shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code for use only in administering and enforcing this chapter and rules adopted under it. 28649  
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(F)(1) Except as otherwise provided in this section, the results of an inspection or investigation of a home that is conducted under this section, including any statement of deficiencies and all findings and deficiencies cited in the statement on the basis of the inspection or investigation, shall be used solely to determine the home's compliance with this chapter or another chapter of the Revised Code in any action or proceeding other than an action commenced under division (I) of section 3721.17 of the Revised Code. Those results of an inspection or investigation, that statement of deficiencies, and the findings and deficiencies cited in that statement shall not be used in either of the following: 28654  
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(a) Any court or in any action or proceeding that is pending in any court and are not admissible in evidence in any action or proceeding unless that action or proceeding is an appeal of an action by the department of health under this chapter or is an action by any department or agency of the state to enforce this chapter or another chapter of the Revised Code; 28666  
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(b) An advertisement, unless the advertisement includes all of the following: 28672  
28673

(i) The date the inspection or investigation was conducted;	28674
(ii) A statement that the director of health inspects all homes at least once every fifteen months <u>or, if applicable under this section, at least once every thirty months;</u>	28675 28676 28677
(iii) If a finding or deficiency cited in the statement of deficiencies has been substantially corrected, a statement that the finding or deficiency has been substantially corrected and the date that the finding or deficiency was substantially corrected;	28678 28679 28680 28681
(iv) The number of findings and deficiencies cited in the statement of deficiencies on the basis of the inspection or investigation;	28682 28683 28684
(v) The average number of findings and deficiencies cited in a statement of deficiencies on the basis of an inspection or investigation conducted under this section during the same calendar year as the inspection or investigation used in the advertisement;	28685 28686 28687 28688 28689
(vi) A statement that the advertisement is neither authorized nor endorsed by the department of health or any other government agency.	28690 28691 28692
(2) Nothing in division (F)(1) of this section prohibits the results of an inspection or investigation conducted under this section from being used in a criminal investigation or prosecution.	28693 28694 28695 28696
<u>Sec. 3721.081. (A) Notwithstanding any action the director of health may take under section 3721.08 of the Revised Code, if the director determines immediate action is necessary to protect resident health or safety because a home has neglected or refused to act with sufficient promptness or efficiency to protect resident health or safety, the director may do either or both of the following before a home is provided notice and an opportunity</u>	28697 28698 28699 28700 28701 28702 28703

for a hearing under Chapter 119. of the Revised Code: 28704

(1) Issue orders, including specifying actions that a home must take immediately to address resident health and safety; 28705  
28706

(2) Take direct action to protect resident health or safety if the home fails to act on an order issued pursuant to division (A)(1) of this section. 28707  
28708  
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(B) Orders that may be issued and direct action that may be taken under this section include all of the following: 28710  
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(1) Removing a threat to resident health or safety; 28712

(2) Transferring residents to another home or appropriate care setting until a threat to resident health or safety is resolved; 28713  
28714  
28715

(3) Appointing a temporary administrator for a home; 28716

(4) Issuing any other order or taking any other action as necessary to protect the health or safety of residents of a home. 28717  
28718

(C)(1) Any expenses incurred by a home to comply with an order issued under this section shall be borne by the home. 28719  
28720

(2) If the director takes direct action under division (A)(2) of this section, a home shall reimburse the department of health for all necessary expenses incurred by the department. The director shall issue an order informing the home of the amount to be reimbursed. 28721  
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(D) If a home fails to comply with an order issued under this section, the director shall issue an order imposing a fine of not more than two hundred fifty thousand dollars for each instance of noncompliance, with interest calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, accruing from the date of the order. 28726  
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(E) All reimbursements collected under this section and all 28732

finest, including interest, collected under this section shall be 28733  
deposited in the state treasury to the credit of the general 28734  
operations fund created by section 3701.83 of the Revised Code. 28735

(F) A home subject to an order issued under this section may 28736  
request a hearing under Chapter 119. of the Revised Code. The 28737  
request must be received by the director within thirty days after 28738  
the notice of the order was mailed. If the home timely requests a 28739  
hearing, the date set for the hearing shall be within sixty days, 28740  
but not earlier than fifteen days, after the home requested the 28741  
hearing, unless otherwise agreed to by both the director and the 28742  
home. 28743

An order issued under this section shall remain in effect, 28744  
unless reversed by the director, until a final adjudication order 28745  
issued by the director pursuant to this section and Chapter 119. 28746  
of the Revised Code becomes effective. The director shall issue 28747  
the final adjudication order not later than ninety days after 28748  
completion of the hearing. 28749

A home may appeal a final adjudication order in accordance 28750  
with Chapter 119. of the Revised Code. The final adjudication 28751  
order shall not be subject to suspension by the court while the 28752  
appeal is pending. 28753

**Sec. 3734.57.** (A) The following fees are hereby levied on the 28754  
transfer or disposal of solid wastes in this state: 28755

(1) Ninety cents per ton ~~through June 30, 2022,~~ twenty cents 28756  
of the proceeds of which shall be deposited in the state treasury 28757  
to the credit of the hazardous waste facility management fund 28758  
created in section 3734.18 of the Revised Code and seventy cents 28759  
of the proceeds of which shall be deposited in the state treasury 28760  
to the credit of the hazardous waste clean-up fund created in 28761  
section 3734.28 of the Revised Code; 28762

(2) An additional seventy-five cents per ton through ~~June 30,~~ 28763  
~~2022~~, the proceeds of which shall be deposited in the state 28764  
treasury to the credit of the waste management fund created in 28765  
section 3734.061 of the Revised Code. 28766

(3) An additional two dollars and eighty-five cents per ton 28767  
~~through June 30, 2022~~, the proceeds of which shall be deposited in 28768  
the state treasury to the credit of the environmental protection 28769  
fund created in section 3745.015 of the Revised Code; 28770

(4) An additional twenty-five cents per ton ~~through June 30,~~ 28771  
~~2022~~, the proceeds of which shall be deposited in the state 28772  
treasury to the credit of the soil and water conservation district 28773  
assistance fund created in section 940.15 of the Revised Code. 28774

In the case of solid wastes that are taken to a solid waste 28775  
transfer facility located in this state prior to being transported 28776  
for disposal at a solid waste disposal facility located in this 28777  
state or outside of this state, the fees levied under this 28778  
division shall be collected by the owner or operator of the 28779  
transfer facility as a trustee for the state. The amount of fees 28780  
required to be collected under this division at such a transfer 28781  
facility shall equal the total tonnage of solid wastes received at 28782  
the facility multiplied by the fees levied under this division. In 28783  
the case of solid wastes that are not taken to a solid waste 28784  
transfer facility located in this state prior to being transported 28785  
to a solid waste disposal facility, the fees shall be collected by 28786  
the owner or operator of the solid waste disposal facility as a 28787  
trustee for the state. The amount of fees required to be collected 28788  
under this division at such a disposal facility shall equal the 28789  
total tonnage of solid wastes received at the facility that was 28790  
not previously taken to a solid waste transfer facility located in 28791  
this state multiplied by the fees levied under this division. Fees 28792  
levied under this division do not apply to materials separated 28793  
from a mixed waste stream for recycling by a generator or 28794

materials removed from the solid waste stream through recycling, 28795  
as "recycling" is defined in rules adopted under section 3734.02 28796  
of the Revised Code. 28797

The owner or operator of a solid waste transfer facility or 28798  
disposal facility, as applicable, shall prepare and file with the 28799  
director of environmental protection each month a return 28800  
indicating the total tonnage of solid wastes received at the 28801  
facility during that month and the total amount of the fees 28802  
required to be collected under this division during that month. In 28803  
addition, the owner or operator of a solid waste disposal facility 28804  
shall indicate on the return the total tonnage of solid wastes 28805  
received from transfer facilities located in this state during 28806  
that month for which the fees were required to be collected by the 28807  
transfer facilities. The monthly returns shall be filed on a form 28808  
prescribed by the director. Not later than thirty days after the 28809  
last day of the month to which a return applies, the owner or 28810  
operator shall mail to the director the return for that month 28811  
together with the fees required to be collected under this 28812  
division during that month as indicated on the return or may 28813  
submit the return and fees electronically in a manner approved by 28814  
the director. If the return is filed and the amount of the fees 28815  
due is paid in a timely manner as required in this division, the 28816  
owner or operator may retain a discount of three-fourths of one 28817  
per cent of the total amount of the fees that are required to be 28818  
paid as indicated on the return. 28819

The owner or operator may request an extension of not more 28820  
than thirty days for filing the return and remitting the fees, 28821  
provided that the owner or operator has submitted such a request 28822  
in writing to the director together with a detailed description of 28823  
why the extension is requested, the director has received the 28824  
request not later than the day on which the return is required to 28825  
be filed, and the director has approved the request. If the fees 28826

are not remitted within thirty days after the last day of the 28827  
month to which the return applies or are not remitted by the last 28828  
day of an extension approved by the director, the owner or 28829  
operator shall not retain the three-fourths of one per cent 28830  
discount and shall pay an additional ten per cent of the amount of 28831  
the fees for each month that they are late. For purposes of 28832  
calculating the late fee, the first month in which fees are late 28833  
begins on the first day after the deadline has passed for timely 28834  
submitting the return and fees, and one additional month shall be 28835  
counted every thirty days thereafter. 28836

The owner or operator of a solid waste facility may request a 28837  
refund or credit of fees levied under this division and remitted 28838  
to the director that have not been paid to the owner or operator. 28839  
Such a request shall be made only if the fees have not been 28840  
collected by the owner or operator, have become a debt that has 28841  
become worthless or uncollectable for a period of six months or 28842  
more, and may be claimed as a deduction, including a deduction 28843  
claimed if the owner or operator keeps accounts on an accrual 28844  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 28845  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 28846  
making a request for a refund or credit, an owner or operator 28847  
shall make reasonable efforts to collect the applicable fees. A 28848  
request for a refund or credit shall not include any costs 28849  
resulting from those efforts to collect unpaid fees. 28850

A request for a refund or credit of fees shall be made in 28851  
writing, on a form prescribed by the director, and shall be 28852  
supported by evidence that may be required in rules adopted by the 28853  
director under this chapter. After reviewing the request, and if 28854  
the request and evidence submitted with the request indicate that 28855  
a refund or credit is warranted, the director shall grant a refund 28856  
to the owner or operator or shall permit a credit to be taken by 28857  
the owner or operator on a subsequent monthly return submitted by 28858

the owner or operator. The amount of a refund or credit shall not exceed an amount that is equal to ninety days' worth of fees owed to an owner or operator by a particular debtor of the owner or operator. A refund or credit shall not be granted by the director to an owner or operator more than once in any twelve-month period for fees owed to the owner or operator by a particular debtor.

If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return submitted to the director together with a written explanation of the reason for the submittal.

For purposes of computing the fees levied under this division or division (B) of this section, any solid waste transfer or disposal facility that does not use scales as a means of determining gate receipts shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable.

The fees levied under this division and divisions (B) and (C) of this section are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste transfer or disposal facility. In the alternative, the fees shall be paid by a customer or political subdivision to a transporter of waste who subsequently transfers the fees to the owner or operator of such a facility. The fees shall be paid notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or allow such payment regardless of whether the contract was entered prior to or after October 16, 2009. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or

disposal facility or a transporter of solid waste to such a 28891  
facility. 28892

(B) For the purposes specified in division (G) of this 28893  
section, the solid waste management policy committee of a county 28894  
or joint solid waste management district may levy fees upon the 28895  
following activities: 28896

(1) The disposal at a solid waste disposal facility located 28897  
in the district of solid wastes generated within the district; 28898

(2) The disposal at a solid waste disposal facility within 28899  
the district of solid wastes generated outside the boundaries of 28900  
the district, but inside this state; 28901

(3) The disposal at a solid waste disposal facility within 28902  
the district of solid wastes generated outside the boundaries of 28903  
this state. 28904

The solid waste management plan of the county or joint 28905  
district approved under section 3734.521 or 3734.55 of the Revised 28906  
Code and any amendments to it, or the resolution adopted under 28907  
this division, as appropriate, shall establish the rates of the 28908  
fees levied under divisions (B)(1), (2), and (3) of this section, 28909  
if any, and shall specify whether the fees are levied on the basis 28910  
of tons or cubic yards as the unit of measurement. A solid waste 28911  
management district that levies fees under this division on the 28912  
basis of cubic yards shall do so in accordance with division (A) 28913  
of this section. 28914

The fee levied under division (B)(1) of this section shall be 28915  
not less than one dollar per ton nor more than two dollars per 28916  
ton, the fee levied under division (B)(2) of this section shall be 28917  
not less than two dollars per ton nor more than four dollars per 28918  
ton, and the fee levied under division (B)(3) of this section 28919  
shall be not more than the fee levied under division (B)(1) of 28920  
this section. 28921

Prior to the approval of the solid waste management plan of a district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare and publish the resolution and a notice of the time and location where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the largest quantities of solid wastes, as determined by the committee, and to their local trade associations. The committee shall make good faith efforts to identify those generators within the district and their local trade associations, but the nonprovision of notice under this division to a particular generator or local trade association does not invalidate the proceedings under this division. The publication shall occur at least thirty days before the hearing. After the hearing, the committee may make such revisions to the proposed fees as it considers appropriate and thereafter, by resolution, shall adopt the revised fee schedule. Upon adopting the revised fee schedule, the committee shall deliver a copy of the resolution doing so to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district. Within sixty days after the delivery of a copy of the resolution adopting the proposed revised fees by the policy committee, each

such board and legislative authority, by ordinance or resolution, 28955  
shall approve or disapprove the revised fees and deliver a copy of 28956  
the ordinance or resolution to the committee. If any such board or 28957  
legislative authority fails to adopt and deliver to the policy 28958  
committee an ordinance or resolution approving or disapproving the 28959  
revised fees within sixty days after the policy committee 28960  
delivered its resolution adopting the proposed revised fees, it 28961  
shall be conclusively presumed that the board or legislative 28962  
authority has approved the proposed revised fees. The committee 28963  
shall determine if the resolution has been ratified in the same 28964  
manner in which it determines if a draft solid waste management 28965  
plan has been ratified under division (B) of section 3734.55 of 28966  
the Revised Code. 28967

The committee may amend the schedule of fees levied pursuant 28968  
to a resolution adopted and ratified under this division by 28969  
adopting a resolution establishing the proposed amount of the 28970  
amended fees. The committee may repeal the fees levied pursuant to 28971  
such a resolution by adopting a resolution proposing to repeal 28972  
them. Upon adopting such a resolution, the committee shall proceed 28973  
to obtain ratification of the resolution in accordance with this 28974  
division. 28975

Not later than fourteen days after declaring the new fees to 28976  
be ratified or the fees to be repealed under this division, the 28977  
committee shall notify by certified mail the owner or operator of 28978  
each solid waste disposal facility that is required to collect the 28979  
fees of the ratification and the amount of the fees or of the 28980  
repeal of the fees. Collection of any fees shall commence or 28981  
collection of repealed fees shall cease on the first day of the 28982  
second month following the month in which notification is sent to 28983  
the owner or operator. 28984

Fees levied under this division also may be established, 28985  
amended, or repealed by a solid waste management policy committee 28986

through the adoption of a new district solid waste management 28987  
plan, the adoption of an amended plan, or the amendment of the 28988  
plan or amended plan in accordance with sections 3734.55 and 28989  
3734.56 of the Revised Code or the adoption or amendment of a 28990  
district plan in connection with a change in district composition 28991  
under section 3734.521 of the Revised Code. 28992

Not later than fourteen days after the director issues an 28993  
order approving a district's solid waste management plan, amended 28994  
plan, or amendment to a plan or amended plan that establishes, 28995  
amends, or repeals a schedule of fees levied by the district, the 28996  
committee shall notify by certified mail the owner or operator of 28997  
each solid waste disposal facility that is required to collect the 28998  
fees of the approval of the plan or amended plan, or the amendment 28999  
to the plan, as appropriate, and the amount of the fees, if any. 29000  
In the case of an initial or amended plan approved under section 29001  
3734.521 of the Revised Code in connection with a change in 29002  
district composition, other than one involving the withdrawal of a 29003  
county from a joint district, the committee, within fourteen days 29004  
after the change takes effect pursuant to division (G) of that 29005  
section, shall notify by certified mail the owner or operator of 29006  
each solid waste disposal facility that is required to collect the 29007  
fees that the change has taken effect and of the amount of the 29008  
fees, if any. Collection of any fees shall commence or collection 29009  
of repealed fees shall cease on the first day of the second month 29010  
following the month in which notification is sent to the owner or 29011  
operator. 29012

If, in the case of a change in district composition involving 29013  
the withdrawal of a county from a joint district, the director 29014  
completes the actions required under division (G)(1) or (3) of 29015  
section 3734.521 of the Revised Code, as appropriate, forty-five 29016  
days or more before the beginning of a calendar year, the policy 29017  
committee of each of the districts resulting from the change that 29018

obtained the director's approval of an initial or amended plan in 29019  
connection with the change, within fourteen days after the 29020  
director's completion of the required actions, shall notify by 29021  
certified mail the owner or operator of each solid waste disposal 29022  
facility that is required to collect the district's fees that the 29023  
change is to take effect on the first day of January immediately 29024  
following the issuance of the notice and of the amount of the fees 29025  
or amended fees levied under divisions (B)(1) to (3) of this 29026  
section pursuant to the district's initial or amended plan as so 29027  
approved or, if appropriate, the repeal of the district's fees by 29028  
that initial or amended plan. Collection of any fees set forth in 29029  
such a plan or amended plan shall commence on the first day of 29030  
January immediately following the issuance of the notice. If such 29031  
an initial or amended plan repeals a schedule of fees, collection 29032  
of the fees shall cease on that first day of January. 29033

If, in the case of a change in district composition involving 29034  
the withdrawal of a county from a joint district, the director 29035  
completes the actions required under division (G)(1) or (3) of 29036  
section 3734.521 of the Revised Code, as appropriate, less than 29037  
forty-five days before the beginning of a calendar year, the 29038  
director, on behalf of each of the districts resulting from the 29039  
change that obtained the director's approval of an initial or 29040  
amended plan in connection with the change proceedings, shall 29041  
notify by certified mail the owner or operator of each solid waste 29042  
disposal facility that is required to collect the district's fees 29043  
that the change is to take effect on the first day of January 29044  
immediately following the mailing of the notice and of the amount 29045  
of the fees or amended fees levied under divisions (B)(1) to (3) 29046  
of this section pursuant to the district's initial or amended plan 29047  
as so approved or, if appropriate, the repeal of the district's 29048  
fees by that initial or amended plan. Collection of any fees set 29049  
forth in such a plan or amended plan shall commence on the first 29050  
day of the second month following the month in which notification 29051

is sent to the owner or operator. If such an initial or amended 29052  
plan repeals a schedule of fees, collection of the fees shall 29053  
cease on the first day of the second month following the month in 29054  
which notification is sent to the owner or operator. 29055

If the schedule of fees that a solid waste management 29056  
district is levying under divisions (B)(1) to (3) of this section 29057  
is amended or repealed, the fees in effect immediately prior to 29058  
the amendment or repeal shall continue to be collected until 29059  
collection of the amended fees commences or collection of the 29060  
repealed fees ceases, as applicable, as specified in this 29061  
division. In the case of a change in district composition, money 29062  
so received from the collection of the fees of the former 29063  
districts shall be divided among the resulting districts in 29064  
accordance with division (B) of section 343.012 of the Revised 29065  
Code and the agreements entered into under division (B) of section 29066  
343.01 of the Revised Code to establish the former and resulting 29067  
districts and any amendments to those agreements. 29068

For the purposes of the provisions of division (B) of this 29069  
section establishing the times when newly established or amended 29070  
fees levied by a district are required to commence and the 29071  
collection of fees that have been amended or repealed is required 29072  
to cease, "fees" or "schedule of fees" includes, in addition to 29073  
fees levied under divisions (B)(1) to (3) of this section, those 29074  
levied under section 3734.573 or 3734.574 of the Revised Code. 29075

(C) For the purposes of defraying the added costs to a 29076  
municipal corporation or township of maintaining roads and other 29077  
public facilities and of providing emergency and other public 29078  
services, and compensating a municipal corporation or township for 29079  
reductions in real property tax revenues due to reductions in real 29080  
property valuations resulting from the location and operation of a 29081  
solid waste disposal facility within the municipal corporation or 29082  
township, a municipal corporation or township in which such a 29083

solid waste disposal facility is located may levy a fee of not 29084  
more than twenty-five cents per ton on the disposal of solid 29085  
wastes at a solid waste disposal facility located within the 29086  
boundaries of the municipal corporation or township regardless of 29087  
where the wastes were generated. 29088

The legislative authority of a municipal corporation or 29089  
township may levy fees under this division by enacting an 29090  
ordinance or adopting a resolution establishing the amount of the 29091  
fees. Upon so doing the legislative authority shall mail a 29092  
certified copy of the ordinance or resolution to the board of 29093  
county commissioners or directors of the county or joint solid 29094  
waste management district in which the municipal corporation or 29095  
township is located or, if a regional solid waste management 29096  
authority has been formed under section 343.011 of the Revised 29097  
Code, to the board of trustees of that regional authority, the 29098  
owner or operator of each solid waste disposal facility in the 29099  
municipal corporation or township that is required to collect the 29100  
fee by the ordinance or resolution, and the director of 29101  
environmental protection. Although the fees levied under this 29102  
division are levied on the basis of tons as the unit of 29103  
measurement, the legislative authority, in its ordinance or 29104  
resolution levying the fees under this division, may direct that 29105  
the fees be levied on the basis of cubic yards as the unit of 29106  
measurement based upon a conversion factor of three cubic yards 29107  
per ton generally or one cubic yard per ton for baled wastes. 29108

Not later than five days after enacting an ordinance or 29109  
adopting a resolution under this division, the legislative 29110  
authority shall so notify by certified mail the owner or operator 29111  
of each solid waste disposal facility that is required to collect 29112  
the fee. Collection of any fee levied on or after March 24, 1992, 29113  
shall commence on the first day of the second month following the 29114  
month in which notification is sent to the owner or operator. 29115

(D)(1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

- (a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;
- (b) Are generated from the combustion of coal, or from the combustion of primarily coal, regardless of whether the disposal facility is located on the premises where the wastes are generated;
- (c) Are asbestos or asbestos-containing materials or products disposed of at a construction and demolition debris facility that is licensed under Chapter 3714. of the Revised Code or at a solid waste facility that is licensed under this chapter.

(2) Except as provided in section 3734.571 of the Revised Code, any fees levied under division (B)(1) of this section apply to solid wastes originating outside the boundaries of a county or joint district that are covered by an agreement for the joint use of solid waste facilities entered into under section 343.02 of the Revised Code by the board of county commissioners or board of directors of the county or joint district where the wastes are generated and disposed of.

(3) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or energy recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash remaining after burning of the solid wastes and shall be collected by the owner or operator of the sanitary landfill where the ash is disposed of.

(4) When solid wastes are delivered to a solid waste transfer

facility, the fees levied under divisions (B) and (C) of this 29147  
section shall be levied upon the disposal of solid wastes 29148  
transported off the premises of the transfer facility for disposal 29149  
and shall be collected by the owner or operator of the solid waste 29150  
disposal facility where the wastes are disposed of. 29151

(5) The fees levied under divisions (A), (B), and (C) of this 29152  
section do not apply to sewage sludge that is generated by a waste 29153  
water treatment facility holding a national pollutant discharge 29154  
elimination system permit and that is disposed of through 29155  
incineration, land application, or composting or at another 29156  
resource recovery or disposal facility that is not a landfill. 29157

(6) The fees levied under divisions (A), (B), and (C) of this 29158  
section do not apply to solid wastes delivered to a solid waste 29159  
composting facility for processing. When any unprocessed solid 29160  
waste or compost product is transported off the premises of a 29161  
composting facility and disposed of at a landfill, the fees levied 29162  
under divisions (A), (B), and (C) of this section shall be 29163  
collected by the owner or operator of the landfill where the 29164  
unprocessed waste or compost product is disposed of. 29165

(7) When solid wastes that consist of scrap tires are 29166  
processed at a scrap tire recovery facility, the fees levied under 29167  
divisions (A), (B), and (C) of this section shall be levied upon 29168  
the disposal of the fly ash and bottom ash or other solid wastes 29169  
remaining after the processing of the scrap tires and shall be 29170  
collected by the owner or operator of the solid waste disposal 29171  
facility where the ash or other solid wastes are disposed of. 29172

(8) The director of environmental protection may issue an 29173  
order exempting from the fees levied under this section solid 29174  
wastes, including, but not limited to, scrap tires, that are 29175  
generated, transferred, or disposed of as a result of a contract 29176  
providing for the expenditure of public funds entered into by the 29177  
administrator or regional administrator of the United States 29178

environmental protection agency, the director of environmental 29179  
protection, or the director of administrative services on behalf 29180  
of the director of environmental protection for the purpose of 29181  
remediating conditions at a hazardous waste facility, solid waste 29182  
facility, or other location at which the administrator or regional 29183  
administrator or the director of environmental protection has 29184  
reason to believe that there is a substantial threat to public 29185  
health or safety or the environment or that the conditions are 29186  
causing or contributing to air or water pollution or soil 29187  
contamination. An order issued by the director of environmental 29188  
protection under division (D)(8) of this section shall include a 29189  
determination that the amount of the fees not received by a solid 29190  
waste management district as a result of the order will not 29191  
adversely impact the implementation and financing of the 29192  
district's approved solid waste management plan and any approved 29193  
amendments to the plan. Such an order is a final action of the 29194  
director of environmental protection. 29195

(E) The fees levied under divisions (B) and (C) of this 29196  
section shall be collected by the owner or operator of the solid 29197  
waste disposal facility where the wastes are disposed of as a 29198  
trustee for the county or joint district and municipal corporation 29199  
or township where the wastes are disposed of. Moneys from the fees 29200  
levied under division (B) of this section shall be forwarded to 29201  
the board of county commissioners or board of directors of the 29202  
district in accordance with rules adopted under division (H) of 29203  
this section. Moneys from the fees levied under division (C) of 29204  
this section shall be forwarded to the treasurer or such other 29205  
officer of the municipal corporation as, by virtue of the charter, 29206  
has the duties of the treasurer or to the fiscal officer of the 29207  
township, as appropriate, in accordance with those rules. 29208

(F) Moneys received by the treasurer or other officer of the 29209  
municipal corporation under division (E) of this section shall be 29210

paid into the general fund of the municipal corporation. Moneys 29211  
received by the fiscal officer of the township under that division 29212  
shall be paid into the general fund of the township. The treasurer 29213  
or other officer of the municipal corporation or the township 29214  
fiscal officer, as appropriate, shall maintain separate records of 29215  
the moneys received from the fees levied under division (C) of 29216  
this section. 29217

(G) Moneys received by the board of county commissioners or 29218  
board of directors under division (E) of this section or section 29219  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 29220  
shall be paid to the county treasurer, or other official acting in 29221  
a similar capacity under a county charter, in a county district or 29222  
to the county treasurer or other official designated by the board 29223  
of directors in a joint district and kept in a separate and 29224  
distinct fund to the credit of the district. If a regional solid 29225  
waste management authority has been formed under section 343.011 29226  
of the Revised Code, moneys received by the board of trustees of 29227  
that regional authority under division (E) of this section shall 29228  
be kept by the board in a separate and distinct fund to the credit 29229  
of the district. Moneys in the special fund of the county or joint 29230  
district arising from the fees levied under division (B) of this 29231  
section and the fee levied under division (A) of section 3734.573 29232  
of the Revised Code shall be expended by the board of county 29233  
commissioners or directors of the district in accordance with the 29234  
district's solid waste management plan or amended plan approved 29235  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 29236  
exclusively for the following purposes: 29237

(1) Preparation of the solid waste management plan of the 29238  
district under section 3734.54 of the Revised Code, monitoring 29239  
implementation of the plan, and conducting the periodic review and 29240  
amendment of the plan required by section 3734.56 of the Revised 29241  
Code by the solid waste management policy committee; 29242

(2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions;

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and

ordinances;	29274
(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;	29275 29276 29277 29278 29279 29280 29281 29282 29283
(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;	29284 29285 29286 29287 29288 29289 29290 29291 29292 29293
(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.	29294 29295 29296 29297 29298 29299 29300 29301 29302
Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be	29303 29304 29305

expended for those purposes in the manner prescribed by the solid waste management policy committee by resolution. 29306  
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Notwithstanding division (G)(6) of this section as it existed prior to October 29, 1993, or any provision in a district's solid waste management plan prepared in accordance with division (B)(2)(e) of section 3734.53 of the Revised Code as it existed prior to that date, any moneys arising from the fees levied under division (B)(3) of this section prior to January 1, 1994, may be expended for any of the purposes authorized in divisions (G)(1) to (10) of this section. 29308  
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(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for collecting and forwarding the fees levied under divisions (B) and (C) of this section to the boards of county commissioners or directors of county or joint solid waste management districts and to the treasurers or other officers of municipal corporations and the fiscal officers of townships. The rules also shall prescribe the dates for forwarding the fees to the boards and officials and may prescribe any other requirements the director considers necessary or appropriate to implement and administer divisions (A), (B), and (C) of this section. 29316  
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**Sec. 3734.85.** (A) On and after the effective date of the rules adopted under sections 3734.70, 3734.71, 3734.72, and 3734.73 of the Revised Code, the director of environmental protection may take action under this section to abate accumulations of scrap tires. If the director determines that an accumulation of scrap tires constitutes a danger to the public health or safety or to the environment, the director shall issue an order under section 3734.13 of the Revised Code to the person responsible for the accumulation of scrap tires directing that person, within one hundred twenty days after the issuance of the 29327  
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order, to remove the accumulation of scrap tires from the premises 29337  
on which it is located and transport the tires to a scrap tire 29338  
storage, monocell, monofill, or recovery facility licensed under 29339  
section 3734.81 of the Revised Code, to such a facility in another 29340  
state operating in compliance with the laws of the state in which 29341  
it is located, or to any other solid waste disposal facility in 29342  
another state that is operating in compliance with the laws of 29343  
that state. If the person responsible for causing the accumulation 29344  
of scrap tires is a person different from the owner of the land on 29345  
which the accumulation is located, the director may issue such an 29346  
order to the landowner. 29347

If the director is unable to ascertain immediately the 29348  
identity of the person responsible for causing the accumulation of 29349  
scrap tires, the director shall examine the records of the 29350  
applicable board of health and law enforcement agencies to 29351  
ascertain that person's identity. Before initiating any 29352  
enforcement or removal actions under this division against the 29353  
owner of the land on which the accumulation is located, the 29354  
director shall initiate any such actions against the person that 29355  
the director has identified as responsible for causing the 29356  
accumulation of scrap tires. Failure of the director to make 29357  
diligent efforts to ascertain the identity of the person 29358  
responsible for causing the accumulation of scrap tires or to 29359  
initiate an action against the person responsible for causing the 29360  
accumulation shall not constitute an affirmative defense by a 29361  
landowner to an enforcement action initiated by the director under 29362  
this division requiring immediate removal of any accumulation of 29363  
scrap tires. 29364

Upon the written request of the recipient of an order issued 29365  
under this division, the director may extend the time for 29366  
compliance with the order if the request demonstrates that the 29367  
recipient has acted in good faith to comply with the order. If the 29368

recipient of an order issued under this division fails to comply 29369  
with the order within one hundred twenty days after the issuance 29370  
of the order or, if the time for compliance with the order was so 29371  
extended, within that time, the director shall take such actions 29372  
as the director considers reasonable and necessary to remove and 29373  
properly manage the scrap tires located on the land named in the 29374  
order. The director, through employees of the environmental 29375  
protection agency or a contractor, may enter upon the land on 29376  
which the accumulation of scrap tires is located and remove and 29377  
transport them to a scrap tire recovery facility for processing, 29378  
to a scrap tire storage facility for storage, or to a scrap tire 29379  
monocell or monofill facility for storage or disposal. 29380

The director shall enter into contracts for the storage, 29381  
disposal, or processing of scrap tires removed through removal 29382  
operations conducted under this section. 29383

If a person to whom a removal order is issued under this 29384  
division fails to comply with the order and if the director 29385  
performs a removal action under this section, the person to whom 29386  
the removal order is issued is liable to the director for the 29387  
costs incurred by the director for conducting the removal 29388  
operation, storage at a scrap tire storage facility, storage or 29389  
disposal at a scrap tire monocell or monofill facility, or 29390  
processing of the scrap tires so removed, the transportation of 29391  
the scrap tires from the site of the accumulation to the scrap 29392  
tire storage, monocell, monofill, or recovery facility where the 29393  
scrap tires were stored, disposed of, or processed, and the 29394  
administrative and legal expenses incurred by the director in 29395  
connection with the removal operation. The director shall keep an 29396  
itemized record of those costs. Upon completion of the actions for 29397  
which the costs were incurred, the director shall record the costs 29398  
at the office of the county recorder of the county in which the 29399  
accumulation of scrap tires was located. The costs so recorded 29400

constitute a lien on the property on which the accumulation of 29401  
scrap tires was located until discharged. Upon the written request 29402  
of the director, the attorney general shall bring a civil action 29403  
against the person responsible for the accumulation of the scrap 29404  
tires that were the subject of the removal operation to recover 29405  
the costs for which the person is liable under this division. Any 29406  
money so received or recovered shall be credited to the scrap tire 29407  
management fund created in section 3734.82 of the Revised Code. 29408

If, in a civil action brought under this division, an owner 29409  
of real property is ordered to pay to the director the costs of a 29410  
removal action that removed an accumulation of scrap tires from 29411  
the person's land or if a lien is placed on the person's land for 29412  
the costs of such a removal action, and, in either case, if the 29413  
landowner was not the person responsible for causing the 29414  
accumulation of scrap tires so removed, the landowner may bring a 29415  
civil action against the person who was responsible for causing 29416  
the accumulation to recover the amount of the removal costs that 29417  
the court ordered the landowner to pay to the director or the 29418  
amount of the removal costs certified to the county recorder as a 29419  
lien on the landowner's property, whichever is applicable. If the 29420  
landowner prevails in the civil action against the person who was 29421  
responsible for causing the accumulation of scrap tires, the 29422  
court, as it considers appropriate, may award to the landowner the 29423  
reasonable attorney's fees incurred by the landowner for bringing 29424  
the action, court costs, and other reasonable expenses incurred by 29425  
the landowner in connection with the civil action. A landowner 29426  
shall bring such a civil action within two years after making the 29427  
final payment of the removal costs to the director pursuant to the 29428  
judgment rendered against the landowner in the civil action 29429  
brought under this division upon the director's request or within 29430  
two years after the director certified the costs of the removal 29431  
action to the county recorder, as appropriate. A person who, at 29432  
the time that a removal action was conducted under this division, 29433

owned the land on which the removal action was performed may bring 29434  
an action under this division to recover the costs of the removal 29435  
action from the person responsible for causing the accumulation of 29436  
scrap tires so removed regardless of whether the person owns the 29437  
land at the time of bringing the action. 29438

Subject to the limitations set forth in division (G) of 29439  
section 3734.82 of the Revised Code, the director may use moneys 29440  
in the scrap tire management fund for conducting removal actions 29441  
under this division. Any moneys recovered under this division 29442  
shall be credited to the scrap tire management fund. 29443

(B) The director shall initiate enforcement and removal 29444  
actions under division (A) of this section in accordance with the 29445  
following descending listing of priorities: 29446

(1) Accumulations of scrap tires that the director finds 29447  
constitute a fire hazard or threat to public health; 29448

(2) Accumulations of scrap tires determined by the director 29449  
to contain more than one million scrap tires; 29450

(3) Accumulations of scrap tires in densely populated areas; 29451

(4) Other accumulations of scrap tires that the director or 29452  
board of health of the health district in which the accumulation 29453  
is located determines constitute a public nuisance; 29454

(5) Any other accumulations of scrap tires present on 29455  
premises operating without a valid license issued under section 29456  
3734.05 or 3734.81 of the Revised Code. 29457

(C) The director shall not take enforcement and removal 29458  
actions under division (A) of this section against the owner or 29459  
operator of, or the owner of the land on which is located, any of 29460  
the following: 29461

(1) A premises where not more than one hundred scrap tires 29462  
are present at any time; 29463

(2) The premises of a business engaging in the sale of tires at retail that meets either of the following criteria:	29464 29465
(a) Not more than one thousand scrap tires are present on the premises at any time in an unsecured, uncovered outdoor location.	29466 29467
(b) Any number of scrap tires are secured in a building or a covered, enclosed container, trailer, or installation.	29468 29469
(3) The premises of a tire retreading business, a tire manufacturing finishing center, or a tire adjustment center on which is located a single, covered scrap tire storage area where not more than four thousand scrap tires are stored;	29470 29471 29472 29473
(4) The premises of a business that removes tires from motor vehicles in the ordinary course of business and on which is located a single scrap tire storage area that occupies not more than twenty-five hundred square feet;	29474 29475 29476 29477
(5) A solid waste facility licensed under section 3734.05 of the Revised Code that stores scrap tires on the surface of the ground if the total land area on which scrap tires are actually stored does not exceed ten thousand square feet;	29478 29479 29480 29481
(6) A premises where not more than two hundred fifty scrap tires are stored or kept for agricultural use;	29482 29483
(7) A construction site where scrap tires are stored for use or used in road resurfacing or the construction of embankments;	29484 29485
(8) A scrap tire collection, storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code;	29486 29487 29488
(9) A solid waste incineration or energy recovery facility that is subject to regulation under this chapter and that burns scrap tires;	29489 29490 29491
(10) A premises where scrap tires are beneficially used and for which the notice required by rules adopted under section	29492 29493

3734.84 of the Revised Code has been given; 29494

(11) A transporter registered under section 3734.83 of the 29495  
Revised Code that collects and holds scrap tires in a covered 29496  
trailer or vehicle for not longer than thirty days prior to 29497  
transporting them to their final destination. 29498

(D) Nothing in this section restricts any right any person 29499  
may have under statute or common law to enforce or seek 29500  
enforcement of any law applicable to the management of scrap 29501  
tires, abate a nuisance, or seek any other appropriate relief. 29502

(E) An owner of real property ~~upon which there is located an~~ 29503  
~~accumulation of not more than five thousand scrap tires~~ is not 29504  
liable under division (A) of this section for the cost of the 29505  
removal of the up to ten thousand scrap tires on the owner's 29506  
property, or more at the director's discretion, and no lien shall 29507  
attach to the property under this section, if all of the following 29508  
conditions are met: 29509

(1) The tires were placed on the property after the owner 29510  
acquired title to the property, or the tires were placed on the 29511  
property before the owner acquired title to the property and the 29512  
owner acquired title to the property by bequest or devise. 29513

(2) The owner of the property did not have knowledge that the 29514  
tires were being placed on the property, or the owner posted on 29515  
the property signs prohibiting dumping or took other action to 29516  
prevent the placing of tires on the property. 29517

(3) The owner of the property did not participate in or 29518  
consent to the placing of the tires on the property. 29519

(4) The owner of the property received no financial benefit 29520  
from the placing of the tires on the property or otherwise having 29521  
the tires on the property. 29522

(5) Title to the property was not transferred to the owner 29523

for the purpose of evading liability under division (A) of this section. 29524  
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(6) The person responsible for placing the tires on the property, in doing so, was not acting as an agent for the owner of the property. 29526  
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**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes and to support scrap tire amnesty and cleanup events; to make loans to promote the recycling or recovery of energy from scrap tires; and to defray the costs of administering and enforcing sections 3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents per tire is hereby levied on the sale of tires. The proceeds of the fee shall be deposited in the state treasury to the credit of the scrap tire management fund created in section 3734.82 of the Revised Code. ~~The fee is levied from the first day of the calendar month that begins next after thirty days from October 29, 1993, through June 30, 2022.~~ 29529  
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~~(2) Beginning on July 1, 2011, and ending on June 30, 2022,~~ There is hereby levied an additional fee of fifty cents per tire on the sale of tires the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code. 29546  
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(B) Only one sale of the same article shall be used in computing the amount of the fee due. 29552  
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**Sec. 3737.17.** (A) As used in this section, a "qualifying small government" means any of the following:

(1) A township that has a population of not more than five thousand or, regardless of its population, is located in a county that has a population of less than one hundred thousand;

(2) A municipal corporation that has a population of not more than seven thousand five hundred;

(3) A fire district, joint fire district, or fire and ambulance district that shares territory exclusively with townships or municipal corporations that meet the conditions of division (A)(1) or (2) of this section.

(B) The state fire marshal shall administer a small government fire department services revolving loan program under which the state fire marshal makes loans to qualifying small governments for the following purposes:

(1) To expedite purchases of major equipment for fire fighting, ambulance, emergency medical, or rescue services;

(2) To expedite projects for the construction or renovation of fire department buildings.

A loan for either purpose under the small government fire department services revolving loan program is not to carry interest, and is to be repaid within a term of not longer than twenty years. A qualifying small government is not eligible to receive a loan for a project or purchase under the program unless the qualifying small government contributes to the project or purchase an amount equal to at least five per cent of the loan amount.

(C) A qualifying small government may apply to the state fire marshal for a loan under the small government fire department services revolving loan program. In its application, the

qualifying small government shall explain how it qualifies for the 29584  
loan, describe the project or purchase for which it is requesting 29585  
a loan, state the amount of the loan it requests, and state the 29586  
amount it is prepared to contribute to the project or purchase. 29587  
The qualifying small government shall provide additional 29588  
information to support its application for a loan under the 29589  
program as requested by the state fire marshal. 29590

(D) The state fire marshal, in accordance with Chapter 119. 29591  
of the Revised Code, shall adopt rules for the administration of 29592  
the small government fire department services revolving loan 29593  
program. 29594

(E) There is hereby created in the state treasury the small 29595  
government fire department services revolving loan fund, into 29596  
which shall be deposited repayments by qualifying small 29597  
governments of loans authorized under this section. The fund also 29598  
shall consist of appropriated money. Investment earnings on money 29599  
in the fund shall be credited to the fund. The state fire marshal 29600  
shall use the money credited to the fund to make loans to 29601  
qualifying small governments as described in this section. The 29602  
state fire marshal may loan money from repaid loans credited to 29603  
the fund at any time to qualifying small governments in accordance 29604  
with this section. 29605

(F) If the director of commerce determines that the cash 29606  
balance in the small government fire department services revolving 29607  
loan fund is insufficient to implement the program established 29608  
under this section, the director may certify the amount needed, 29609  
which cannot exceed the amount appropriated to the program for the 29610  
biennium period for which the certification is made, to the 29611  
director of budget and management. Upon certification, the 29612  
director of budget and management may transfer from the state fire 29613  
marshal's fund established in section 3737.71 of the Revised Code 29614  
to the small government fire department services revolving loan 29615

fund any amount up to, but not exceeding, the amount certified by 29616  
the director of commerce. 29617

**Sec. 3737.71.** Each insurance company doing business in this 29618  
state shall pay to the state in installments, at the time of 29619  
making the payments required by section 5729.05 of the Revised 29620  
Code, in addition to the taxes required to be paid by it, 29621  
three-fourths of one per cent on the gross premium receipts 29622  
derived from fire insurance and that portion of the premium 29623  
reasonably allocable to insurance against the hazard of fire 29624  
included in other coverages except life and sickness and accident 29625  
insurance, after deducting return premiums paid and considerations 29626  
received for reinsurances as shown by the annual statement of such 29627  
company made pursuant to sections 3929.30, 3931.06, and 5729.02 of 29628  
the Revised Code. The money received shall be paid into the state 29629  
treasury to the credit of the state fire marshal's fund, which is 29630  
hereby created. The fund shall be used for the maintenance and 29631  
administration of the office of the fire marshal and the Ohio fire 29632  
academy established by section 3737.33 of the Revised Code. If the 29633  
director of commerce certifies to the director of budget and 29634  
management that the cash balance in the state fire marshal's fund 29635  
is in excess of the amount needed to pay ongoing operating 29636  
expenses, the director of commerce, with the approval of the 29637  
director of budget and management, may use the excess amount to 29638  
acquire by purchase, lease, or otherwise, real property or 29639  
interests in real property to be used for the benefit of the 29640  
office of the state fire marshal, or to construct, acquire, 29641  
enlarge, equip, furnish, or improve the fire marshal's office 29642  
facilities or the facilities of the Ohio fire academy. The state 29643  
fire marshal's fund shall be assessed a proportionate share of the 29644  
administrative costs of the department of commerce in accordance 29645  
with procedures prescribed by the director of commerce ~~and~~ 29646  
~~approved by the director of budget and management.~~ Such assessment 29647

shall be paid from the state fire marshal's fund to the division 29648  
of administration fund. 29649

Notwithstanding any other provision in this section, if the 29650  
director of budget and management determines at any time that the 29651  
money in the state fire marshal's fund exceeds the amount 29652  
necessary to defray ongoing operating expenses in a fiscal year, 29653  
the director may transfer the excess to the general revenue fund. 29654

**Sec. 3741.14.** (A) Each filling station offering self-service 29655  
shall be operated in accordance with the most recent version of 29656  
the national fire protection association standard number ~~30A-1990~~ 29657  
30A, as that standard is incorporated into the fire code adopted 29658  
by the state fire marshal in accordance with section 3737.82 of 29659  
the Revised Code, and the provisions of the "Occupational Safety 29660  
and Health Act of 1970," 84 Stat. 1590, 5 U.S.C.A. 5108, and any 29661  
amendments thereto and standards adopted thereunder. 29662

(B) The fire marshal shall adopt, as part of the state fire 29663  
code, rules governing the equipment, operation, and maintenance of 29664  
filling stations. The rules shall be such as are necessary for the 29665  
protection of the persons and property of the public, but shall 29666  
require as a minimum that: 29667

(2) A sign, in block letters at least four inches in height, 29668  
be conspicuously displayed on each gasoline pump island where 29669  
self-service is offered stating that it is a self-service island; 29670

(3) Signs giving instructions for the operation of gasoline 29671  
dispensing equipment, in block letters, be conspicuously posted at 29672  
each filling station offering self-service; 29673

(4) A sign bearing the following words in block letters be 29674  
conspicuously posted on each gasoline pump island where 29675  
self-service is offered: 29676

(a) "STOP ENGINE"; 29677

(b) "NO SMOKING";	29678
(c) "WARNING--IT IS UNLAWFUL AND DANGEROUS TO DISPENSE GASOLINE INTO UNAPPROVED CONTAINERS";	29679 29680
(d) "PERSONS USING DISPENSERS WITH HOLD-OPEN LATCHES MUST REMAIN AT THE REFUELING POINT DURING REFUELING".	29681 29682
(5) All signs required by this section be constructed of rigid, weather-resistant material;	29683 29684
(6) Gasoline dispensing nozzles used by any person other than a supervisor, employee, or attendant be of an approved automatic closing type. Any person other than a supervisor, employee, or attendant using a dispenser with a hold-open latch shall remain at the refueling point during refueling.	29685 29686 29687 29688 29689
(C) The fire marshal shall not prohibit the operation of a filling station offering self-service solely because it is an unattended filling station that utilizes key- or card-operated self-service flammable or combustible liquid dispensing equipment.	29690 29691 29692 29693
(D) Nothing in this section shall be interpreted to prohibit the fire marshal from adopting reasonable rules governing the safety of self-service flammable or combustible liquid dispensing equipment.	29694 29695 29696 29697
<u>Sec. 3742.11. (A) As used in this section, "renovation, repair, and painting rule" means the rule adopted by the United States environmental protection agency pursuant to the "Toxic Substances Control Act of 1978," 15 U.S.C. 2601.</u>	29698 29699 29700 29701
<u>(B) The director of health may enter into agreements with the United States environmental protection agency for the administration and enforcement of the renovation, repair, and painting rule. The director also may accept available assistance in support of any agreement.</u>	29702 29703 29704 29705 29706
<u>(C) The director may adopt rules in accordance with Chapter</u>	29707

119. of the Revised Code for the administration and enforcement of 29708  
this section. If the director adopts such rules, the director 29709  
shall specify all of the following in the rules: 29710

(1) Provisions governing application for certification, 29711  
approval and denial of certification, and renewal, suspension, and 29712  
revocation of certification under this section; 29713

(2) Fees for any certification issued or renewed under this 29714  
section; 29715

(3) Requirements for training and certification, which must 29716  
include levels of training and periodic refresher training for 29717  
certifications issued under this section; 29718

(4) Procedures to be followed by a person certified under 29719  
this section to undertake renovation, repair, and painting 29720  
projects and to prevent public exposure to lead hazards and ensure 29721  
worker protection during renovation, repair, or painting projects; 29722

(5) Provisions governing the imposition of civil penalties 29723  
for violations of procedures adopted under this section. Civil 29724  
penalties shall not exceed \$5,000 per violation. 29725

(6) Record-keeping and reporting requirements for a person 29726  
certified under this section; 29727

(7) Procedures for the approval of training providers under 29728  
this section, including specific training course requirements; 29729

(8) Any other procedures and requirements that the director 29730  
determines necessary for the implementation of this section. 29731

**Sec. 3742.16. (A)** In accordance with Chapter 119. of the 29732  
Revised Code, the director of health may refuse to issue or renew, 29733  
or may suspend or revoke, a license, an accreditation or 29734  
certification, or an approval of any person, program, or 29735  
laboratory for one or more of the following reasons: 29736

<del>(A)</del> (1) Violation of any provision of this chapter or the rules adopted under it;	29737 29738
<del>(B)</del> (2) Failure to pay the fee for the issuance or renewal of a license, an accreditation or certification, or an approval;	29739 29740
<del>(C)</del> (3) Any material misrepresentation in an application for a license, an accreditation or certification, or an approval;	29741 29742
<del>(D)</del> (4) Interference with an investigation made pursuant to section 3742.35 of the Revised Code;	29743 29744
<del>(E)</del> (5) Failure to meet the licensing requirements established by rule adopted under section 3742.03 of the Revised Code;	29745 29746
<del>(F)</del> (6) Employment or use of lead abatement personnel that are not licensed under this chapter.	29747 29748
<u>(B) In addition to the actions specified in division (A) of this section and in accordance with Chapter 119. of the Revised Code, the director may impose a fine of not more than five thousand dollars per violation for any of the reasons specified in that division.</u>	29749 29750 29751 29752 29753
<u>(C) All fines collected by the director under this section shall be deposited into the state treasury to the credit of the general operations fund created under section 3701.83 of the Revised Code.</u>	29754 29755 29756 29757
<b>Sec. 3742.18.</b> (A)(1) At the request of the director of health, the attorney general may commence a civil action for civil penalties and injunctive and other equitable relief against any person who violates section 3742.02, 3742.06, or 3742.07 of the Revised Code. The action shall be commenced in the court of common pleas of the county in which the violation occurred or is about to occur.	29758 29759 29760 29761 29762 29763 29764
(2) The court shall grant injunctive and other equitable relief on a showing that the person has violated or is about to	29765 29766

violate section 3742.02, 3742.06, or 3742.07 of the Revised Code. 29767  
On a finding of a violation, the court shall assess a civil 29768  
penalty of not more than ~~one~~ five thousand dollars. Each day a 29769  
violation continues is a separate violation. All civil penalties 29770  
collected by the court under this section shall be deposited into 29771  
the state treasury to the credit of the lead abatement personnel 29772  
licensing fund created under section 3742.19 of the Revised Code. 29773

(B) At the request of the director or a board of health, a 29774  
prosecuting attorney, city director of law, village solicitor, or 29775  
similar chief legal officer may commence a civil action for 29776  
injunctive and other equitable relief against any person who 29777  
violates or is about to violate an order issued by the director or 29778  
board of health under section 3742.40 of the Revised Code. The 29779  
court shall grant injunctive or other equitable relief on a 29780  
showing that the person has violated or is about to violate the 29781  
order. 29782

**Sec. 3742.19.** Except for any licensing examination fee 29783  
collected and retained by an entity under contract pursuant to 29784  
division (B) of section 3742.08 of the Revised Code, all fees and 29785  
penalties collected under sections 3742.01 to 3742.18 of the 29786  
Revised Code; any grant, contribution, or other moneys received 29787  
for the purposes of those sections; and fines collected under 29788  
section 3742.99 of the Revised Code shall be deposited into the 29789  
state treasury to the credit of the lead abatement personnel 29790  
licensing fund, which is hereby created. The moneys in the fund 29791  
shall be used solely for the administration and enforcement of 29792  
sections 3742.01 to 3742.18 of the Revised Code and the rules 29793  
adopted under those sections. 29794

**Sec. 3745.014.** There is hereby created in the state treasury 29795  
the central support indirect fund, which shall be administered by 29796  
the director of environmental protection. Money credited to the 29797

fund shall be used for administrative costs of the environmental 29798  
protection agency. The director may assess any operating funds 29799  
from which the agency receives appropriations, except the central 29800  
support indirect fund, for a share of the administrative costs of 29801  
the agency. The amounts assessed shall be transferred to the 29802  
central support indirect fund by means of intrastate transfer 29803  
vouchers. The director, ~~with the approval of the director of~~ 29804  
~~budget and management,~~ shall determine the rate of assessments. 29805

**Sec. 3745.11.** (A) Applicants for and holders of permits, 29806  
licenses, variances, plan approvals, and certifications issued by 29807  
the director of environmental protection pursuant to Chapters 29808  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 29809  
to the environmental protection agency for each such issuance and 29810  
each application for an issuance as provided by this section. No 29811  
fee shall be charged for any issuance for which no application has 29812  
been submitted to the director. 29813

(B) Except as otherwise provided in division (C)(2) of this 29814  
section, beginning July 1, 1994, each person who owns or operates 29815  
an air contaminant source and who is required to apply for and 29816  
obtain a Title V permit under section 3704.036 of the Revised Code 29817  
shall pay the fees set forth in this division. For the purposes of 29818  
this division, total emissions of air contaminants may be 29819  
calculated using engineering calculations, emissions factors, 29820  
material balance calculations, or performance testing procedures, 29821  
as authorized by the director. 29822

The following fees shall be assessed on the total actual 29823  
emissions from a source in tons per year of the regulated 29824  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 29825  
organic compounds, and lead: 29826

(1) Fifteen dollars per ton on the total actual emissions of 29827  
each such regulated pollutant during the period July through 29828

December 1993, to be collected no sooner than July 1, 1994; 29829

(2) Twenty dollars per ton on the total actual emissions of 29830  
each such regulated pollutant during calendar year 1994, to be 29831  
collected no sooner than April 15, 1995; 29832

(3) Twenty-five dollars per ton on the total actual emissions 29833  
of each such regulated pollutant in calendar year 1995, and each 29834  
subsequent calendar year, to be collected no sooner than the 29835  
fifteenth day of April of the year next succeeding the calendar 29836  
year in which the emissions occurred. 29837

The fees levied under this division do not apply to that 29838  
portion of the emissions of a regulated pollutant at a facility 29839  
that exceed four thousand tons during a calendar year. 29840

(C)(1) The fees assessed under division (B) of this section 29841  
are for the purpose of providing funding for the Title V permit 29842  
program. 29843

(2) The fees assessed under division (B) of this section do 29844  
not apply to emissions from any electric generating unit 29845  
designated as a Phase I unit under Title IV of the federal Clean 29846  
Air Act prior to calendar year 2000. Those fees shall be assessed 29847  
on the emissions from such a generating unit commencing in 29848  
calendar year 2001 based upon the total actual emissions from the 29849  
generating unit during calendar year 2000 and shall continue to be 29850  
assessed each subsequent calendar year based on the total actual 29851  
emissions from the generating unit during the preceding calendar 29852  
year. 29853

(3) The director shall issue invoices to owners or operators 29854  
of air contaminant sources who are required to pay a fee assessed 29855  
under division (B) or (D) of this section. Any such invoice shall 29856  
be issued no sooner than the applicable date when the fee first 29857  
may be collected in a year under the applicable division, shall 29858  
identify the nature and amount of the fee assessed, and shall 29859

indicate that the fee is required to be paid within thirty days 29860  
after the issuance of the invoice. 29861

~~(D)(1) Except as provided in division (D)(3) of this section, 29862  
from January 1, 1994, through December 31, 2003, each person who 29863  
owns or operates an air contaminant source; who is required to 29864  
apply for a permit to operate pursuant to rules adopted under 29865  
division (G), or a variance pursuant to division (H), of section 29866  
3704.03 of the Revised Code; and who is not required to apply for 29867  
and obtain a Title V permit under section 3704.036 of the Revised 29868  
Code shall pay a single fee based upon the sum of the actual 29869  
annual emissions from the facility of the regulated pollutants 29870  
particulate matter, sulfur dioxide, nitrogen oxides, organic 29871  
compounds, and lead in accordance with the following schedule: 29872~~

<del>Total tons per year</del> 29873		
<del>of regulated pollutants</del> 29874	<del>Annual fee</del>	
<del>emitted</del> 29875	<del>per facility</del>	
<del>More than 0, but less than 50</del> 29876	<del>\$ 75</del>	
<del>50 or more, but less than 100</del> 29877	<del>300</del>	
<del>100 or more</del> 29878	<del>700</del>	

~~(2) Except as provided in division ~~(D)(3)~~(D)(2) of this 29879  
section, beginning January 1, 2004, each person who owns or 29880  
operates an air contaminant source; who is required to apply for a 29881  
permit to operate pursuant to rules adopted under division (G), or 29882  
a variance pursuant to division (H), of section 3704.03 of the 29883  
Revised Code; and who is not required to apply for and obtain a 29884  
Title V permit under section 3704.03 of the Revised Code shall pay 29885  
a single fee based upon the sum of the actual annual emissions 29886  
from the facility of the regulated pollutants particulate matter, 29887  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 29888  
accordance with the following schedule: 29889~~

<del>Total tons per year</del> 29890		
<del>of regulated pollutants</del> 29891	<del>Annual fee</del>	

emitted	per facility	29892
More than 0, but less than 10	\$ 100	29893
10 or more, but less than 50	200	29894
50 or more, but less than 100	300	29895
100 or more	700	29896

~~(3)(a)(2)(a)~~ As used in division (D) of this section, 29897  
 "synthetic minor facility" means a facility for which one or more 29898  
 permits to install or permits to operate have been issued for the 29899  
 air contaminant sources at the facility that include terms and 29900  
 conditions that lower the facility's potential to emit air 29901  
 contaminants below the major source thresholds established in 29902  
 rules adopted under section 3704.036 of the Revised Code. 29903

(b) Beginning January 1, 2000, ~~through June 30, 2022,~~ each 29904  
 person who owns or operates a synthetic minor facility shall pay 29905  
 an annual fee based on the sum of the actual annual emissions from 29906  
 the facility of particulate matter, sulfur dioxide, nitrogen 29907  
 dioxide, organic compounds, and lead in accordance with the 29908  
 following schedule: 29909

Combined total tons		29910
per year of all regulated	Annual fee	29911
pollutants emitted	per facility	29912
Less than 10	\$ 170	29913
10 or more, but less than 20	340	29914
20 or more, but less than 30	670	29915
30 or more, but less than 40	1,010	29916
40 or more, but less than 50	1,340	29917
50 or more, but less than 60	1,680	29918
60 or more, but less than 70	2,010	29919
70 or more, but less than 80	2,350	29920
80 or more, but less than 90	2,680	29921
90 or more, but less than 100	3,020	29922
100 or more	3,350	29923

~~(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995.~~ 29924  
~~(3) The fees assessed under division~~ 29925  
~~(D)(2)(D)(1)~~ of this section shall be collected annually no sooner 29926  
than the fifteenth day of April, commencing in 2005. The fees 29927  
assessed under division ~~(D)(3)(D)(2)~~ of this section shall be 29928  
collected no sooner than the fifteenth day of April, commencing in 29929  
2000. The fees assessed under division (D) of this section in a 29930  
calendar year shall be based upon the sum of the actual emissions 29931  
of those regulated pollutants during the preceding calendar year. 29932  
For the purpose of division (D) of this section, emissions of air 29933  
contaminants may be calculated using engineering calculations, 29934  
emission factors, material balance calculations, or performance 29935  
testing procedures, as authorized by the director. The director, 29936  
by rule, may require persons who are required to pay the fees 29937  
assessed under division (D) of this section to pay those fees 29938  
biennially rather than annually. 29939  
29940

(E)(1) Consistent with the need to cover the reasonable costs 29941  
of the Title V permit program, the director annually shall 29942  
increase the fees prescribed in division (B) of this section by 29943  
the percentage, if any, by which the consumer price index for the 29944  
most recent calendar year ending before the beginning of a year 29945  
exceeds the consumer price index for calendar year 1989. Upon 29946  
calculating an increase in fees authorized by division (E)(1) of 29947  
this section, the director shall compile revised fee schedules for 29948  
the purposes of division (B) of this section and shall make the 29949  
revised schedules available to persons required to pay the fees 29950  
assessed under that division and to the public. 29951

(2) For the purposes of division (E)(1) of this section: 29952

(a) The consumer price index for any year is the average of 29953  
the consumer price index for all urban consumers published by the 29954  
United States department of labor as of the close of the 29955

twelve-month period ending on the thirty-first day of August of 29956  
that year. 29957

(b) If the 1989 consumer price index is revised, the director 29958  
shall use the revision of the consumer price index that is most 29959  
consistent with that for calendar year 1989. 29960

(F) Each person who is issued a permit to install pursuant to 29961  
rules adopted under division (F) of section 3704.03 of the Revised 29962  
Code on or after July 1, 2003, shall pay the fees specified in the 29963  
following schedules: 29964

(1) Fuel-burning equipment (boilers, furnaces, or process 29965  
heaters used in the process of burning fuel for the primary 29966  
purpose of producing heat or power by indirect heat transfer) 29967  
Input capacity (maximum) 29968  
(million British thermal units per hour) Permit to install 29969  
Greater than 0, but less than 10 \$ 200 29970  
10 or more, but less than 100 400 29971  
100 or more, but less than 300 1000 29972  
300 or more, but less than 500 2250 29973  
500 or more, but less than 1000 3750 29974  
1000 or more, but less than 5000 6000 29975  
5000 or more 9000 29976

Units burning exclusively natural gas, number two fuel oil, 29977  
or both shall be assessed a fee that is one-half the applicable 29978  
amount shown in division (F)(1) of this section. 29979

(2) Combustion turbines and stationary internal combustion 29980  
engines designed to generate electricity 29981  
Generating capacity (mega watts) Permit to install 29982  
0 or more, but less than 10 \$ 25 29983  
10 or more, but less than 25 150 29984  
25 or more, but less than 50 300 29985  
50 or more, but less than 100 500 29986

100 or more, but less than 250	1000	29987
250 or more	2000	29988
(3) Incinerators		29989
Input capacity (pounds per hour)	Permit to install	29990
0 to 100	\$ 100	29991
101 to 500	500	29992
501 to 2000	1000	29993
2001 to 20,000	1500	29994
more than 20,000	3750	29995
(4)(a) Process		29996
Process weight rate (pounds per hour)	Permit to install	29997
0 to 1000	\$ 200	29998
1001 to 5000	500	29999
5001 to 10,000	750	30000
10,001 to 50,000	1000	30001
more than 50,000	1250	30002
In any process where process weight rate cannot be		30003
ascertained, the minimum fee shall be assessed. A boiler, furnace,		30004
combustion turbine, stationary internal combustion engine, or		30005
process heater designed to provide direct heat or power to a		30006
process not designed to generate electricity shall be assessed a		30007
fee established in division (F)(4)(a) of this section. A		30008
combustion turbine or stationary internal combustion engine		30009
designed to generate electricity shall be assessed a fee		30010
established in division (F)(2) of this section.		30011
(b) Notwithstanding division (F)(4)(a) of this section, any		30012
person issued a permit to install pursuant to rules adopted under		30013
division (F) of section 3704.03 of the Revised Code shall pay the		30014
fees set forth in division (F)(4)(c) of this section for a process		30015
used in any of the following industries, as identified by the		30016
applicable two-digit, three-digit, or four-digit standard		30017
industrial classification code according to the Standard		30018

Industrial Classification Manual published by the United States	30019	
office of management and budget in the executive office of the	30020	
president, 1987, as revised:	30021	
Major group 10, metal mining;	30022	
Major group 12, coal mining;	30023	
Major group 14, mining and quarrying of nonmetallic minerals;	30024	
Industry group 204, grain mill products;	30025	
2873 Nitrogen fertilizers;	30026	
2874 Phosphatic fertilizers;	30027	
3281 Cut stone and stone products;	30028	
3295 Minerals and earth, ground or otherwise treated;	30029	
4221 Grain elevators (storage only);	30030	
5159 Farm related raw materials;	30031	
5261 Retail nurseries and lawn and garden supply stores.	30032	
(c) The fees set forth in the following schedule apply to the	30033	
issuance of a permit to install pursuant to rules adopted under	30034	
division (F) of section 3704.03 of the Revised Code for a process	30035	
identified in division (F)(4)(b) of this section:	30036	
Process weight rate (pounds per	Permit to install	30037
hour)		
0 to 10,000	\$ 200	30038
10,001 to 50,000	400	30039
50,001 to 100,000	500	30040
100,001 to 200,000	600	30041
200,001 to 400,000	750	30042
400,001 or more	900	30043
(5) Storage tanks		30044
Gallons (maximum useful capacity)	Permit to install	30045
0 to 20,000	\$ 100	30046

20,001 to 40,000	150	30047
40,001 to 100,000	250	30048
100,001 to 500,000	400	30049
500,001 or greater	750	30050
(6) Gasoline/fuel dispensing facilities		30051
For each gasoline/fuel		30052
dispensing facility (includes all	Permit to install	30053
units at the facility)	\$ 100	30054
(7) Dry cleaning facilities		30055
For each dry cleaning		30056
facility (includes all units	Permit to install	30057
at the facility)	\$ 100	30058
(8) Registration status		30059
For each source covered	Permit to install	30060
by registration status	\$ 75	30061
(G) An owner or operator who is responsible for an asbestos		30062
demolition or renovation project pursuant to rules adopted under		30063
section 3704.03 of the Revised Code shall pay, upon submitting a		30064
notification pursuant to rules adopted under that section, the		30065
fees set forth in the following schedule:		30066
Action	Fee	30067
Each notification	\$75	30068
Asbestos removal	\$3/unit	30069
Asbestos cleanup	\$4/cubic yard	30070
For purposes of this division, "unit" means any combination of		30071
linear feet or square feet equal to fifty.		30072
(H) A person who is issued an extension of time for a permit		30073
to install an air contaminant source pursuant to rules adopted		30074
under division (F) of section 3704.03 of the Revised Code shall		30075
pay a fee equal to one-half the fee originally assessed for the		30076
permit to install under this section, except that the fee for such		30077

an extension shall not exceed two hundred dollars. 30078

(I) A person who is issued a modification to a permit to 30079  
install an air contaminant source pursuant to rules adopted under 30080  
section 3704.03 of the Revised Code shall pay a fee equal to 30081  
one-half of the fee that would be assessed under this section to 30082  
obtain a permit to install the source. The fee assessed by this 30083  
division only applies to modifications that are initiated by the 30084  
owner or operator of the source and shall not exceed two thousand 30085  
dollars. 30086

(J) Notwithstanding division (F) of this section, a person 30087  
who applies for or obtains a permit to install pursuant to rules 30088  
adopted under division (F) of section 3704.03 of the Revised Code 30089  
after the date actual construction of the source began shall pay a 30090  
fee for the permit to install that is equal to twice the fee that 30091  
otherwise would be assessed under the applicable division unless 30092  
the applicant received authorization to begin construction under 30093  
division (W) of section 3704.03 of the Revised Code. This division 30094  
only applies to sources for which actual construction of the 30095  
source begins on or after July 1, 1993. The imposition or payment 30096  
of the fee established in this division does not preclude the 30097  
director from taking any administrative or judicial enforcement 30098  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 30099  
of the Revised Code, or a rule adopted under any of them, in 30100  
connection with a violation of rules adopted under division (F) of 30101  
section 3704.03 of the Revised Code. 30102

As used in this division, "actual construction of the source" 30103  
means the initiation of physical on-site construction activities 30104  
in connection with improvements to the source that are permanent 30105  
in nature, including, without limitation, the installation of 30106  
building supports and foundations and the laying of underground 30107  
pipework. 30108

(K)(1) Money received under division (B) of this section 30109

shall be deposited in the state treasury to the credit of the 30110  
Title V clean air fund created in section 3704.035 of the Revised 30111  
Code. Annually, not more than fifty cents per ton of each fee 30112  
assessed under division (B) of this section on actual emissions 30113  
from a source and received by the environmental protection agency 30114  
pursuant to that division may be transferred by the director using 30115  
an interstate transfer voucher to the state treasury to the credit 30116  
of the small business assistance fund created in section 3706.19 30117  
of the Revised Code. In addition, annually, the amount of money 30118  
necessary for the operation of the office of ombudsperson as 30119  
determined under division (B) of that section shall be transferred 30120  
to the state treasury to the credit of the small business 30121  
ombudsperson fund created by that section. 30122

(2) Money received by the agency pursuant to divisions (D), 30123  
(F), (G), (H), (I), and (J) of this section shall be deposited in 30124  
the state treasury to the credit of the non-Title V clean air fund 30125  
created in section 3704.035 of the Revised Code. 30126

(L)(1) A person applying for a plan approval for a wastewater 30127  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 30128  
of the Revised Code shall pay a nonrefundable fee of one hundred 30129  
dollars plus sixty-five one-hundredths of one per cent of the 30130  
estimated project cost ~~through June 30, 2022, and a nonrefundable~~ 30131  
~~application fee of one hundred dollars plus two tenths of one per~~ 30132  
~~cent of the estimated project cost on and after July 1, 2022,~~ 30133  
except that the total fee shall not exceed fifteen thousand 30134  
dollars ~~through June 30, 2022, and five thousand dollars on and~~ 30135  
~~after July 1, 2022.~~ The fee shall be paid at the time the 30136  
application is submitted. 30137

(2) A person who has entered into an agreement with the 30138  
director under section 6111.14 of the Revised Code shall pay an 30139  
administrative service fee for each plan submitted under that 30140  
section for approval that shall not exceed the minimum amount 30141

necessary to pay administrative costs directly attributable to 30142  
processing plan approvals. The director annually shall calculate 30143  
the fee and shall notify all persons who have entered into 30144  
agreements under that section, or who have applied for agreements, 30145  
of the amount of the fee. 30146

(3)(a)(i) Not later than the thirtieth day of January 30, 30147  
~~2020, and January 30, 2021~~ of each year, a person holding an NPDES 30148  
discharge permit issued pursuant to Chapter 6111. of the Revised 30149  
Code with an average daily discharge flow of five thousand gallons 30150  
or more shall pay a nonrefundable annual discharge fee. Any person 30151  
who fails to pay the fee at that time shall pay an additional 30152  
amount that equals ten per cent of the required annual discharge 30153  
fee. 30154

(ii) The billing year for the annual discharge fee 30155  
established in division (L)(3)(a)(i) of this section shall consist 30156  
of a twelve-month period beginning on the first day of January of 30157  
the year preceding the date when the annual discharge fee is due. 30158  
In the case of an existing source that permanently ceases to 30159  
discharge during a billing year, the director shall reduce the 30160  
annual discharge fee, including the surcharge applicable to 30161  
certain industrial facilities pursuant to division (L)(3)(c) of 30162  
this section, by one-twelfth for each full month during the 30163  
billing year that the source was not discharging, but only if the 30164  
person holding the NPDES discharge permit for the source notifies 30165  
the director in writing, not later than the first day of October 30166  
of the billing year, of the circumstances causing the cessation of 30167  
discharge. 30168

(iii) The annual discharge fee established in division 30169  
(L)(3)(a)(i) of this section, except for the surcharge applicable 30170  
to certain industrial facilities pursuant to division (L)(3)(c) of 30171  
this section, shall be based upon the average daily discharge flow 30172  
in gallons per day calculated using first day of May through 30173

thirty-first day of October flow data for the period two years 30174  
 prior to the date on which the fee is due. In the case of NPDES 30175  
 discharge permits for new sources, the fee shall be calculated 30176  
 using the average daily design flow of the facility until actual 30177  
 average daily discharge flow values are available for the time 30178  
 period specified in division (L)(3)(a)(iii) of this section. The 30179  
 annual discharge fee may be prorated for a new source as described 30180  
 in division (L)(3)(a)(ii) of this section. 30181

(b)(i) An NPDES permit holder that is a public discharger 30182  
 shall pay the annual fee specified in the following schedule not 30183  
later than the thirtieth day of January of each year: 30184

Average daily	<del>Fee due by</del>	30185
discharge flow	<del>January 30,</del>	30186
	<del>2020, and</del>	30187
	<del>January 30,</del>	30188
	<u>2021 Annual Fee</u>	
5,000 to 49,999	\$ 200	30189
50,000 to 100,000	500	30190
100,001 to 250,000	1,050	30191
250,001 to 1,000,000	2,600	30192
1,000,001 to 5,000,000	5,200	30193
5,000,001 to 10,000,000	10,350	30194
10,000,001 to 20,000,000	15,550	30195
20,000,001 to 50,000,000	25,900	30196
50,000,001 to 100,000,000	41,400	30197
100,000,001 or more	62,100	30198

(ii) Public dischargers owning or operating two or more 30199  
 publicly owned treatment works serving the same political 30200  
 subdivision, as "treatment works" is defined in section 6111.01 of 30201  
 the Revised Code, and that serve exclusively political 30202  
 subdivisions having a population of fewer than one hundred 30203  
 thousand persons shall pay an annual discharge fee under division 30204

(L)(3)(b)(i) of this section that is based on the combined average daily discharge flow of the treatment works. 30205  
30206

(c)(i) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the annual fee specified in the following schedule, not later than the thirtieth day of January of each year: 30207  
30208  
30209  
30210  
30211

Average daily discharge flow	<del>Fee due by</del> <del>January 30,</del> <del>2020, and</del> <del>January 30,</del> <u>2021</u> Annual Fee	
5,000 to 49,999	\$ 250	30212 30213 30214 30215 30216
50,000 to 250,000	1,200	30217
250,001 to 1,000,000	2,950	30218
1,000,001 to 5,000,000	5,850	30219
5,000,001 to 10,000,000	8,800	30220
10,000,001 to 20,000,000	11,700	30221
20,000,001 to 100,000,000	14,050	30222
100,000,001 to 250,000,000	16,400	30223
250,000,001 or more	18,700	30224

(ii) In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(3)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than ~~January 30, 2020, and not later than~~ the thirtieth day of January 30, 2021 of each year. 30225  
30226  
30227  
30228  
30229  
30230  
30231  
Any person who fails to pay the surcharge at that time shall pay 30232  
an additional amount that equals ten per cent of the amount of the 30233  
surcharge. 30234

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 30235

section, a public discharger, that is not a separate municipal 30236  
storm sewer system, identified by I in the third character of the 30237  
permittee's NPDES permit number and an industrial discharger 30238  
identified by I, J, L, V, W, X, Y, or Z in the third character of 30239  
the permittee's NPDES permit number shall pay a nonrefundable 30240  
annual discharge fee of one hundred eighty dollars not later than 30241  
~~January 30, 2020, and not later than~~ the thirtieth day of January 30242  
30, 2021 of each year. Any person who fails to pay the fee at that 30243  
time shall pay an additional amount that equals ten per cent of 30244  
the required fee. 30245

(4) Each person obtaining an NPDES permit for municipal storm 30246  
water discharge shall pay a nonrefundable storm water annual 30247  
discharge fee of ten dollars per one-tenth of a square mile of 30248  
area permitted. The fee shall not exceed ten thousand dollars and 30249  
shall be payable on or before January 30, 2004, and the thirtieth 30250  
day of January of each year thereafter. Any person who fails to 30251  
pay the fee on the date specified in division (L)(4) of this 30252  
section shall pay an additional amount per year equal to ten per 30253  
cent of the annual fee that is unpaid. 30254

(5) The director shall transmit all moneys collected under 30255  
division (L) of this section to the treasurer of state for deposit 30256  
into the state treasury to the credit of the surface water 30257  
protection fund created in section 6111.038 of the Revised Code. 30258

(6) As used in this section: 30259

(a) "NPDES" means the federally approved national pollutant 30260  
discharge elimination system individual and general program for 30261  
issuing, modifying, revoking, reissuing, terminating, monitoring, 30262  
and enforcing permits and imposing and enforcing pretreatment 30263  
requirements under Chapter 6111. of the Revised Code and rules 30264  
adopted under it. 30265

(b) "Public discharger" means any holder of an NPDES permit 30266

identified by P in the second character of the NPDES permit number 30267  
assigned by the director. 30268

(c) "Industrial discharger" means any holder of an NPDES 30269  
permit identified by I in the second character of the NPDES permit 30270  
number assigned by the director. 30271

(d) "Major discharger" means any holder of an NPDES permit 30272  
classified as major by the regional administrator of the United 30273  
States environmental protection agency in conjunction with the 30274  
director. 30275

(M) ~~Through June 30, 2022,~~ a A person applying for a license 30276  
or license renewal to operate a public water system under section 30277  
6109.21 of the Revised Code shall pay the appropriate fee 30278  
established under this division at the time of application to the 30279  
director. Any person who fails to pay the fee at that time shall 30280  
pay an additional amount that equals ten per cent of the required 30281  
fee. The director shall transmit all moneys collected under this 30282  
division to the treasurer of state for deposit into the drinking 30283  
water protection fund created in section 6109.30 of the Revised 30284  
Code. 30285

Except as provided in divisions (M)(4) and (5) of this 30286  
section, fees required under this division shall be calculated and 30287  
paid in accordance with the following schedule: 30288

(1) For the initial license required under section 6109.21 of 30289  
the Revised Code for any public water system that is a community 30290  
water system as defined in section 6109.01 of the Revised Code, 30291  
and for each license renewal required for such a system ~~prior to~~ 30292  
~~January 31, 2022,~~ the fee is: 30293

Number of service connections	Fee amount	
Not more than 49	\$ 112	30295
50 to 99	176	30296
Number of service connections	Average cost per connection	30297

100 to 2,499	\$ 1.92	30298
2,500 to 4,999	1.48	30299
5,000 to 7,499	1.42	30300
7,500 to 9,999	1.34	30301
10,000 to 14,999	1.16	30302
15,000 to 24,999	1.10	30303
25,000 to 49,999	1.04	30304
50,000 to 99,999	.92	30305
100,000 to 149,999	.86	30306
150,000 to 199,999	.80	30307
200,000 or more	.76	30308

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system ~~prior to January 31, 2022~~, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	30322
150 to 299	176	30323
300 to 749	384	30324
750 to 1,499	628	30325
1,500 to 2,999	1,268	30326
3,000 to 7,499	2,816	30327
7,500 to 14,999	5,510	30328

15,000 to 22,499	9,048	30330
22,500 to 29,999	12,430	30331
30,000 or more	16,820	30332

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system ~~prior to January 31, 2022~~, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	30344
2	112	30345
3	176	30346
4	278	30347
5	568	30348
System designated as using a surface water source	792	30349

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to

operate a new public water supply system shall submit a fee that 30361  
equals a prorated amount of the appropriate fee for the remainder 30362  
of the licensing year. 30363

(N)(1) A person applying for a plan approval for a public 30364  
water supply system under section 6109.07 of the Revised Code 30365  
shall pay a fee of one hundred fifty dollars plus thirty-five 30366  
hundredths of one per cent of the estimated project cost, except 30367  
that the total fee shall not exceed twenty thousand dollars 30368  
~~through June 30, 2022, and fifteen thousand dollars on and after~~ 30369  
~~July 1, 2022.~~ The fee shall be paid at the time the application is 30370  
submitted. 30371

(2) A person who has entered into an agreement with the 30372  
director under division (A)(2) of section 6109.07 of the Revised 30373  
Code shall pay an administrative service fee for each plan 30374  
submitted under that section for approval that shall not exceed 30375  
the minimum amount necessary to pay administrative costs directly 30376  
attributable to processing plan approvals. The director annually 30377  
shall calculate the fee and shall notify all persons that have 30378  
entered into agreements under that division, or who have applied 30379  
for agreements, of the amount of the fee. 30380

(3) ~~Through June 30, 2022, the~~ The following fee, on a per 30381  
survey basis, shall be charged any person for services rendered by 30382  
the state in the evaluation of laboratories and laboratory 30383  
personnel for compliance with accepted analytical techniques and 30384  
procedures established pursuant to Chapter 6109. of the Revised 30385  
Code for determining the qualitative characteristics of water: 30386

microbiological		30387
MMO-MUG	\$2,000	30388
MF	2,100	30389
MMO-MUG and MF	2,550	30390
organic chemical	5,400	30391
trace metals	5,400	30392

standard chemistry	2,800	30393
limited chemistry	1,550	30394

~~On and after July 1, 2022, the following fee, on a per survey basis, shall be charged any such person:~~ 30395  
30396

<del>microbiological</del>	<del>\$ 1,650</del>	30397
<del>organic chemicals</del>	<del>3,500</del>	30398
<del>trace metals</del>	<del>3,500</del>	30399
<del>standard chemistry</del>	<del>1,800</del>	30400
<del>limited chemistry</del>	<del>1,000</del>	30401

The fee for those services shall be paid at the time the request 30402  
for the survey is made. ~~Through June 30, 2022, an~~ An individual 30403  
laboratory shall not be assessed a fee under this division more 30404  
than once in any three-year period unless the person requests the 30405  
addition of analytical methods or analysts, in which case the 30406  
person shall pay eighteen hundred dollars for each additional 30407  
survey requested. 30408

As used in division (N)(3) of this section: 30409

- (a) "MF" means microfiltration. 30410
- (b) "MMO" means minimal medium ONPG. 30411
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 30412
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 30413

The director shall transmit all moneys collected under this 30414  
division to the treasurer of state for deposit into the drinking 30415  
water protection fund created in section 6109.30 of the Revised 30416  
Code. 30417

(O) Any person applying to the director to take an 30418  
examination for certification as an operator of a water supply 30419  
system or wastewater system under Chapter 6109. or 6111. of the 30420  
Revised Code that is administered by the director, at the time the 30421  
application is submitted, shall pay a fee in accordance with the 30422

following schedule <del>through November 30, 2022:</del>		30423
Class A operator	\$ 80	30424
Class I operator	105	30425
Class II operator	120	30426
Class III operator	130	30427
Class IV operator	145	30428

~~On and after December 1, 2022, the applicant shall pay a fee~~ 30429  
~~in accordance with the following schedule:~~ 30430

<del>Class A operator</del>	<del>\$ 50</del>	30431
<del>Class I operator</del>	<del>70</del>	30432
<del>Class II operator</del>	<del>80</del>	30433
<del>Class III operator</del>	<del>90</del>	30434
<del>Class IV operator</del>	<del>100</del>	30435

Any person applying to the director for certification as an 30436  
operator of a water supply system or wastewater system who has 30437  
passed an examination administered by an examination provider 30438  
approved by the director shall pay a certification fee of 30439  
forty-five dollars. 30440

A person shall pay a biennial certification renewal fee for 30441  
each applicable class of certification in accordance with the 30442  
following schedule: 30443

Class A operator	\$25	30444
Class I operator	35	30445
Class II operator	45	30446
Class III operator	55	30447
Class IV operator	65	30448

If a certification renewal fee is received by the director 30449  
more than thirty days, but not more than one year, after the 30450  
expiration date of the certification, the person shall pay a 30451  
certification renewal fee in accordance with the following 30452  
schedule: 30453

Class A operator	\$45	30454
Class I operator	55	30455
Class II operator	65	30456
Class III operator	75	30457
Class IV operator	85	30458

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay

the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment facility using incineration as its principal method of treatment, under that chapter shall pay a fee of one thousand dollars. The increases in the permit fees under this division resulting from the amendments made by Amended Substitute House Bill 592 of the 117th general assembly do not apply to any person who submitted an application for a permit to install a new, or modify an existing, solid waste disposal facility under that chapter prior to September 1, 1987; any such person shall pay the permit fee established in this division as it existed prior to June 24, 1988. In addition to the applicable permit fee under this division, a

person issued a permit to install or modify a solid waste facility 30519  
or an infectious waste treatment facility under that chapter who 30520  
fails to pay the permit fee to the director in compliance with 30521  
division (V) of this section shall pay an additional ten per cent 30522  
of the amount of the fee for each week that the permit fee is 30523  
late. 30524

Permit and late payment fees paid to the director under this 30525  
division shall be credited to the general revenue fund. 30526

(R)(1) A person issued a registration certificate for a scrap 30527  
tire collection facility under section 3734.75 of the Revised Code 30528  
shall pay a fee of two hundred dollars, except that if the 30529  
facility is owned or operated by a motor vehicle salvage dealer 30530  
licensed under Chapter 4738. of the Revised Code, the person shall 30531  
pay a fee of twenty-five dollars. 30532

(2) A person issued a registration certificate for a new 30533  
scrap tire storage facility under section 3734.76 of the Revised 30534  
Code shall pay a fee of three hundred dollars, except that if the 30535  
facility is owned or operated by a motor vehicle salvage dealer 30536  
licensed under Chapter 4738. of the Revised Code, the person shall 30537  
pay a fee of twenty-five dollars. 30538

(3) A person issued a permit for a scrap tire storage 30539  
facility under section 3734.76 of the Revised Code shall pay a fee 30540  
of one thousand dollars, except that if the facility is owned or 30541  
operated by a motor vehicle salvage dealer licensed under Chapter 30542  
4738. of the Revised Code, the person shall pay a fee of fifty 30543  
dollars. 30544

(4) A person issued a permit for a scrap tire monocell or 30545  
monofill facility under section 3734.77 of the Revised Code shall 30546  
pay a fee of ten dollars per thousand cubic yards of disposal 30547  
capacity or one thousand dollars, whichever is greater, except 30548  
that the total fee for any such permit shall not exceed eighty 30549

thousand dollars. 30550

(5) A person issued a registration certificate for a scrap 30551  
tire recovery facility under section 3734.78 of the Revised Code 30552  
shall pay a fee of one hundred dollars. 30553

(6) A person issued a permit for a scrap tire recovery 30554  
facility under section 3734.78 of the Revised Code shall pay a fee 30555  
of one thousand dollars. 30556

(7) In addition to the applicable registration certificate or 30557  
permit fee under divisions (R)(1) to (6) of this section, a person 30558  
issued a registration certificate or permit for any such scrap 30559  
tire facility who fails to pay the registration certificate or 30560  
permit fee to the director in compliance with division (V) of this 30561  
section shall pay an additional ten per cent of the amount of the 30562  
fee for each week that the fee is late. 30563

(8) The registration certificate, permit, and late payment 30564  
fees paid to the director under divisions (R)(1) to (7) of this 30565  
section shall be credited to the scrap tire management fund 30566  
created in section 3734.82 of the Revised Code. 30567

~~(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 30568  
(P), and (S)(2) of this section, division (A)(2) of section 30569  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 30570  
and rules adopted under division (T)(1) of this section, any 30571  
person applying for a registration certificate under section 30572  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 30573  
variance, or plan approval under Chapter 3734. of the Revised Code 30574  
shall pay a nonrefundable fee of fifteen dollars at the time the 30575  
application is submitted. 30576~~

~~(b) Except as otherwise provided, any person applying for a 30577  
permit, variance, or plan approval under Chapter 6109. or 6111. of 30578  
the Revised Code shall pay a nonrefundable application fee of one 30579  
hundred dollars at the time the application is submitted through 30580~~

~~June 30, 2022, and a nonrefundable application fee of fifteen 30581  
dollars at the time the application is submitted on and after July 30582  
1, 2022. 30583~~

~~(e)(i)(b)(i) Except as otherwise provided in divisions 30584  
(S)(1)(e)(iii)(S)(1)(b)(iii) and (iv) of this section, through 30585  
June 30, 2022, any person applying for an NPDES permit under 30586  
Chapter 6111. of the Revised Code shall pay a nonrefundable 30587  
application fee of two hundred dollars at the time of application 30588  
for the permit. On and after July 1, 2022, such a person shall pay 30589  
a nonrefundable application fee of fifteen dollars at the time of 30590  
application. 30591~~

(ii) In addition to the nonrefundable application fee, any 30592  
person applying for an NPDES permit under Chapter 6111. of the 30593  
Revised Code shall pay a design flow discharge fee based on each 30594  
point source to which the issuance is applicable in accordance 30595  
with the following schedule: 30596

Design flow discharge (gallons per day)	Fee	
0 to 1,000	\$ 0	30598
1,001 to 5,000	100	30599
5,001 to 50,000	200	30600
50,001 to 100,000	300	30601
100,001 to 300,000	525	30602
over 300,000	750	30603

(iii) Notwithstanding divisions ~~(S)(1)(e)(i)~~ (S)(1)(b)(i) and 30604  
(ii) of this section, the application and design flow discharge 30605  
fee for an NPDES permit for a public discharger identified by the 30606  
letter I in the third character of the NPDES permit number shall 30607  
not exceed nine hundred fifty dollars. 30608

(iv) Notwithstanding divisions ~~(S)(1)(e)(i)~~ (S)(1)(b)(i) and 30609  
(ii) of this section, the application and design flow discharge 30610  
fee for an NPDES permit for a coal mining operation regulated 30611  
under Chapter 1513. of the Revised Code shall not exceed four 30612

hundred fifty dollars per mine. 30613

(v) A person issued a modification of an NPDES permit shall 30614  
pay a nonrefundable modification fee equal to the application fee 30615  
and one-half the design flow discharge fee based on each point 30616  
source, if applicable, that would be charged for an NPDES permit, 30617  
except that the modification fee shall not exceed six hundred 30618  
dollars. 30619

~~(d)~~(c) In addition to the application fee established under 30620  
division ~~(S)(1)(e)(i)~~(S)(1)(b)(i) of this section, any person 30621  
applying for an NPDES general storm water construction permit 30622  
shall pay a nonrefundable fee of twenty dollars per acre for each 30623  
acre that is permitted above five acres at the time the 30624  
application is submitted. However, the per acreage fee shall not 30625  
exceed three hundred dollars. In addition to the application fee 30626  
established under division ~~(S)(1)(e)(i)~~(S)(1)(b)(i) of this 30627  
section, any person applying for an NPDES general storm water 30628  
industrial permit shall pay a nonrefundable fee of one hundred 30629  
fifty dollars at the time the application is submitted. 30630

~~(e)~~(d) The director shall transmit all moneys collected under 30631  
division (S)(1) of this section pursuant to Chapter 6109. of the 30632  
Revised Code to the treasurer of state for deposit into the 30633  
drinking water protection fund created in section 6109.30 of the 30634  
Revised Code. 30635

~~(f)~~(e) The director shall transmit all moneys collected under 30636  
division (S)(1) of this section pursuant to Chapter 6111. of the 30637  
Revised Code and under division ~~(S)(3)~~(S)(2) of this section to 30638  
the treasurer of state for deposit into the surface water 30639  
protection fund created in section 6111.038 of the Revised Code. 30640

~~(g) If a registration certificate is issued under section 30641  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 30642  
the application fee paid shall be deducted from the amount of the 30643~~

~~registration certificate fee due under division (R)(1), (2), or  
(5) of this section, as applicable.~~ 30644  
30645

~~(h)(f)~~ If a person submits an electronic application for a 30646  
registration certificate, permit, variance, or plan approval for 30647  
which an application fee is established under division (S)(1) of 30648  
this section, the person shall pay all applicable fees as 30649  
expeditiously as possible after the submission of the electronic 30650  
application. An application for a registration certificate, 30651  
permit, variance, or plan approval for which an application fee is 30652  
established under division (S)(1) of this section shall not be 30653  
reviewed or processed until the applicable application fee, and 30654  
any other fees established under this division, are paid. 30655

~~(2) Division (S)(1) of this section does not apply to an  
application for a registration certificate for a scrap tire  
collection or storage facility submitted under section 3734.75 or  
3734.76 of the Revised Code, as applicable, if the owner or  
operator of the facility or proposed facility is a motor vehicle  
salvage dealer licensed under Chapter 4738. of the Revised Code.~~ 30656  
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~~(3)~~ A person applying for coverage under an NPDES general 30662  
discharge permit for household sewage treatment systems shall pay 30663  
the following fees: 30664

(a) A nonrefundable fee of two hundred dollars at the time of 30665  
application for initial permit coverage; 30666

(b) A nonrefundable fee of one hundred dollars at the time of 30667  
application for a renewal of permit coverage. 30668

(T) The director may adopt, amend, and rescind rules in 30669  
accordance with Chapter 119. of the Revised Code that do all of 30670  
the following: 30671

(1) Prescribe fees to be paid by applicants for and holders 30672  
of any license, permit, variance, plan approval, or certification 30673  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 30674

the Revised Code that are not specifically established in this 30675  
section. The fees shall be designed to defray the cost of 30676  
processing, issuing, revoking, modifying, denying, and enforcing 30677  
the licenses, permits, variances, plan approvals, and 30678  
certifications. 30679

The director shall transmit all moneys collected under rules 30680  
adopted under division (T)(1) of this section pursuant to Chapter 30681  
6109. of the Revised Code to the treasurer of state for deposit 30682  
into the drinking water protection fund created in section 6109.30 30683  
of the Revised Code. 30684

The director shall transmit all moneys collected under rules 30685  
adopted under division (T)(1) of this section pursuant to Chapter 30686  
6111. of the Revised Code to the treasurer of state for deposit 30687  
into the surface water protection fund created in section 6111.038 30688  
of the Revised Code. 30689

(2) Exempt the state and political subdivisions thereof, 30690  
including education facilities or medical facilities owned by the 30691  
state or a political subdivision, or any person exempted from 30692  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 30693  
any fee required by this section; 30694

(3) Provide for the waiver of any fee, or any part thereof, 30695  
otherwise required by this section whenever the director 30696  
determines that the imposition of the fee would constitute an 30697  
unreasonable cost of doing business for any applicant, class of 30698  
applicants, or other person subject to the fee; 30699

(4) Prescribe measures that the director considers necessary 30700  
to carry out this section. 30701

(U) When the director reasonably demonstrates that the direct 30702  
cost to the state associated with the issuance of a permit, 30703  
license, variance, plan approval, or certification exceeds the fee 30704  
for the issuance or review specified by this section, the director 30705

may condition the issuance or review on the payment by the person 30706  
receiving the issuance or review of, in addition to the fee 30707  
specified by this section, the amount, or any portion thereof, in 30708  
excess of the fee specified under this section. The director shall 30709  
not so condition issuances for which a fee is prescribed in 30710  
division ~~(S)(1)(e)(iii)~~(S)(1)(b)(iii) of this section. 30711

(V) Except as provided in divisions (L), (M), (P), and (S) of 30712  
this section or unless otherwise prescribed by a rule of the 30713  
director adopted pursuant to Chapter 119. of the Revised Code, all 30714  
fees required by this section are payable within thirty days after 30715  
the issuance of an invoice for the fee by the director or the 30716  
effective date of the issuance of the license, permit, variance, 30717  
plan approval, or certification. If payment is late, the person 30718  
responsible for payment of the fee shall pay an additional ten per 30719  
cent of the amount due for each month that it is late. 30720

(W) As used in this section, "fuel-burning equipment," 30721  
"fuel-burning equipment input capacity," "incinerator," 30722  
"incinerator input capacity," "process," "process weight rate," 30723  
"storage tank," "gasoline dispensing facility," "dry cleaning 30724  
facility," "design flow discharge," and "new source treatment 30725  
works" have the meanings ascribed to those terms by applicable 30726  
rules or standards adopted by the director under Chapter 3704. or 30727  
6111. of the Revised Code. 30728

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 30729  
(J) of this section, and in any other provision of this section 30730  
pertaining to fees paid pursuant to Chapter 3704. of the Revised 30731  
Code: 30732

(1) "Facility," "federal Clean Air Act," "person," and "Title 30733  
V permit" have the same meanings as in section 3704.01 of the 30734  
Revised Code. 30735

(2) "Title V permit program" means the following activities 30736

as necessary to meet the requirements of Title V of the federal  
Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally  
applicable rules or guidance regarding the permit program or its  
implementation or enforcement;

(b) Reviewing and acting on any application for a Title V  
permit, permit revision, or permit renewal, including the  
development of an applicable requirement as part of the processing  
of a permit, permit revision, or permit renewal;

(c) Administering the permit program, including the  
supporting and tracking of permit applications, compliance  
certification, and related data entry;

(d) Determining which sources are subject to the program and  
implementing and enforcing the terms of any Title V permit, not  
including any court actions or other formal enforcement actions;

(e) Emission and ambient monitoring;

(f) Modeling, analyses, or demonstrations;

(g) Preparing inventories and tracking emissions;

(h) Providing direct and indirect support to small business  
stationary sources to determine and meet their obligations under  
the federal Clean Air Act pursuant to the small business  
stationary source technical and environmental compliance  
assistance program required by section 507 of that act and  
established in sections 3704.18, 3704.19, and 3706.19 of the  
Revised Code.

(3) "Organic compound" means any chemical compound of carbon,  
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic  
carbides or carbonates, and ammonium carbonate.

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)  
of this section, each sewage sludge facility shall pay a

nonrefundable annual sludge fee equal to three dollars and fifty 30767  
cents per dry ton of sewage sludge, including the dry tons of 30768  
sewage sludge in materials derived from sewage sludge, that the 30769  
sewage sludge facility treats or disposes of in this state. The 30770  
annual volume of sewage sludge treated or disposed of by a sewage 30771  
sludge facility shall be calculated using the first day of January 30772  
through the thirty-first day of December of the calendar year 30773  
preceding the date on which payment of the fee is due. 30774

(2)(a) Except as provided in division (Y)(2)(d) of this 30775  
section, each sewage sludge facility shall pay a minimum annual 30776  
sewage sludge fee of one hundred dollars. 30777

(b) The annual sludge fee required to be paid by a sewage 30778  
sludge facility that treats or disposes of exceptional quality 30779  
sludge in this state shall be thirty-five per cent less per dry 30780  
ton of exceptional quality sludge than the fee assessed under 30781  
division (Y)(1) of this section, subject to the following 30782  
exceptions: 30783

(i) Except as provided in division (Y)(2)(d) of this section, 30784  
a sewage sludge facility that treats or disposes of exceptional 30785  
quality sludge shall pay a minimum annual sewage sludge fee of one 30786  
hundred dollars. 30787

(ii) A sewage sludge facility that treats or disposes of 30788  
exceptional quality sludge shall not be required to pay the annual 30789  
sludge fee for treatment or disposal in this state of exceptional 30790  
quality sludge generated outside of this state and contained in 30791  
bags or other containers not greater than one hundred pounds in 30792  
capacity. 30793

A thirty-five per cent reduction for exceptional quality 30794  
sludge applies to the maximum annual fees established under 30795  
division (Y)(3) of this section. 30796

(c) A sewage sludge facility that transfers sewage sludge to 30797

another sewage sludge facility in this state for further treatment 30798  
prior to disposal in this state shall not be required to pay the 30799  
annual sludge fee for the tons of sewage sludge that have been 30800  
transferred. In such a case, the sewage sludge facility that 30801  
disposes of the sewage sludge shall pay the annual sludge fee. 30802  
However, the facility transferring the sewage sludge shall pay the 30803  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 30804  
of this section. 30805

In the case of a sewage sludge facility that treats sewage 30806  
sludge in this state and transfers it out of this state to another 30807  
entity for disposal, the sewage sludge facility in this state 30808  
shall be required to pay the annual sludge fee for the tons of 30809  
sewage sludge that have been transferred. 30810

(d) A sewage sludge facility that generates sewage sludge 30811  
resulting from an average daily discharge flow of less than five 30812  
thousand gallons per day is not subject to the fees assessed under 30813  
division (Y) of this section. 30814

(3) No sewage sludge facility required to pay the annual 30815  
sludge fee shall be required to pay more than the maximum annual 30816  
fee for each disposal method that the sewage sludge facility uses. 30817  
The maximum annual fee does not include the additional amount that 30818  
may be charged under division (Y)(5) of this section for late 30819  
payment of the annual sludge fee. The maximum annual fee for the 30820  
following methods of disposal of sewage sludge is as follows: 30821

(a) Incineration: five thousand dollars; 30822

(b) Preexisting land reclamation project or disposal in a 30823  
landfill: five thousand dollars; 30824

(c) Land application, land reclamation, surface disposal, or 30825  
any other disposal method not specified in division (Y)(3)(a) or 30826  
(b) of this section: twenty thousand dollars. 30827

(4)(a) In the case of an entity that generates sewage sludge 30828

or a sewage sludge facility that treats sewage sludge and 30829  
transfers the sewage sludge to an incineration facility for 30830  
disposal, the incineration facility, and not the entity generating 30831  
the sewage sludge or the sewage sludge facility treating the 30832  
sewage sludge, shall pay the annual sludge fee for the tons of 30833  
sewage sludge that are transferred. However, the entity or 30834  
facility generating or treating the sewage sludge shall pay the 30835  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 30836  
of this section. 30837

(b) In the case of an entity that generates sewage sludge and 30838  
transfers the sewage sludge to a landfill for disposal or to a 30839  
sewage sludge facility for land reclamation or surface disposal, 30840  
the entity generating the sewage sludge, and not the landfill or 30841  
sewage sludge facility, shall pay the annual sludge fee for the 30842  
tons of sewage sludge that are transferred. 30843

(5) Not later than the first day of April of the calendar 30844  
year following March 17, 2000, and each first day of April 30845  
thereafter, the director shall issue invoices to persons who are 30846  
required to pay the annual sludge fee. The invoice shall identify 30847  
the nature and amount of the annual sludge fee assessed and state 30848  
the first day of May as the deadline for receipt by the director 30849  
of objections regarding the amount of the fee and the first day of 30850  
July as the deadline for payment of the fee. 30851

Not later than the first day of May following receipt of an 30852  
invoice, a person required to pay the annual sludge fee may submit 30853  
objections to the director concerning the accuracy of information 30854  
regarding the number of dry tons of sewage sludge used to 30855  
calculate the amount of the annual sludge fee or regarding whether 30856  
the sewage sludge qualifies for the exceptional quality sludge 30857  
discount established in division (Y)(2)(b) of this section. The 30858  
director may consider the objections and adjust the amount of the 30859  
fee to ensure that it is accurate. 30860

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall issue with the notification a new invoice to the person identifying the amount of the annual sludge fee assessed and stating the first day of July as the deadline for payment.

Not later than the first day of July, any person who is required to do so shall pay the annual sludge fee. Any person who is required to pay the fee, but who fails to do so on or before that date shall pay an additional amount that equals ten per cent of the required annual sludge fee.

(6) The director shall transmit all moneys collected under division (Y) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. The moneys shall be used to defray the costs of administering and enforcing provisions in Chapter 6111. of the Revised Code and rules adopted under it that govern the use, storage, treatment, or disposal of sewage sludge.

(7) Beginning in fiscal year 2001, and every two years thereafter, the director shall review the total amount of moneys generated by the annual sludge fees to determine if that amount exceeded six hundred thousand dollars in either of the two preceding fiscal years. If the total amount of moneys in the fund exceeded six hundred thousand dollars in either fiscal year, the director, after review of the fee structure and consultation with affected persons, shall issue an order reducing the amount of the

fees levied under division (Y) of this section so that the 30893  
estimated amount of moneys resulting from the fees will not exceed 30894  
six hundred thousand dollars in any fiscal year. 30895

If, upon review of the fees under division (Y)(7) of this 30896  
section and after the fees have been reduced, the director 30897  
determines that the total amount of moneys collected and 30898  
accumulated is less than six hundred thousand dollars, the 30899  
director, after review of the fee structure and consultation with 30900  
affected persons, may issue an order increasing the amount of the 30901  
fees levied under division (Y) of this section so that the 30902  
estimated amount of moneys resulting from the fees will be 30903  
approximately six hundred thousand dollars. Fees shall never be 30904  
increased to an amount exceeding the amount specified in division 30905  
(Y)(7) of this section. 30906

Notwithstanding section 119.06 of the Revised Code, the 30907  
director may issue an order under division (Y)(7) of this section 30908  
without the necessity to hold an adjudicatory hearing in 30909  
connection with the order. The issuance of an order under this 30910  
division is not an act or action for purposes of section 3745.04 30911  
of the Revised Code. 30912

(8) As used in division (Y) of this section: 30913

(a) "Sewage sludge facility" means an entity that performs 30914  
treatment on or is responsible for the disposal of sewage sludge. 30915

(b) "Sewage sludge" means a solid, semi-solid, or liquid 30916  
residue generated during the treatment of domestic sewage in a 30917  
treatment works as defined in section 6111.01 of the Revised Code. 30918  
"Sewage sludge" includes, but is not limited to, scum or solids 30919  
removed in primary, secondary, or advanced wastewater treatment 30920  
processes. "Sewage sludge" does not include ash generated during 30921  
the firing of sewage sludge in a sewage sludge incinerator, grit 30922  
and screenings generated during preliminary treatment of domestic 30923

sewage in a treatment works, animal manure, residue generated	30924
during treatment of animal manure, or domestic septage.	30925
(c) "Exceptional quality sludge" means sewage sludge that	30926
meets all of the following qualifications:	30927
(i) Satisfies the class A pathogen standards in 40 C.F.R.	30928
503.32(a);	30929
(ii) Satisfies one of the vector attraction reduction	30930
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	30931
(iii) Does not exceed the ceiling concentration limitations	30932
for metals listed in table one of 40 C.F.R. 503.13;	30933
(iv) Does not exceed the concentration limitations for metals	30934
listed in table three of 40 C.F.R. 503.13.	30935
(d) "Treatment" means the preparation of sewage sludge for	30936
final use or disposal and includes, but is not limited to,	30937
thickening, stabilization, and dewatering of sewage sludge.	30938
(e) "Disposal" means the final use of sewage sludge,	30939
including, but not limited to, land application, land reclamation,	30940
surface disposal, or disposal in a landfill or an incinerator.	30941
(f) "Land application" means the spraying or spreading of	30942
sewage sludge onto the land surface, the injection of sewage	30943
sludge below the land surface, or the incorporation of sewage	30944
sludge into the soil for the purposes of conditioning the soil or	30945
fertilizing crops or vegetation grown in the soil.	30946
(g) "Land reclamation" means the returning of disturbed land	30947
to productive use.	30948
(h) "Surface disposal" means the placement of sludge on an	30949
area of land for disposal, including, but not limited to,	30950
monofills, surface impoundments, lagoons, waste piles, or	30951
dedicated disposal sites.	30952
(i) "Incinerator" means an entity that disposes of sewage	30953

sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device. 30954  
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(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway. 30957  
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(k) "Annual sludge fee" means the fee assessed under division (Y)(1) of this section. 30961  
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(l) "Landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed under section 3734.05 of the Revised Code. 30963  
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(m) "Preexisting land reclamation project" means a property-specific land reclamation project that has been in continuous operation for not less than five years pursuant to approval of the activity by the director and includes the implementation of a community outreach program concerning the activity. 30966  
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**Sec. 3746.01.** As used in this chapter: 30972

(A) "Accredited laboratory" means a laboratory that is accredited as follows: 30973  
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(1) For analysis of asbestos, valid accreditation by one of the following: 30975  
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(a) The American industrial hygiene association, asbestos analysts registry; 30977  
30978

(b) The national institute of standards technology, national voluntary laboratory accreditation program for asbestos fiber analysis; 30979  
30980  
30981

(c) An accreditation body recognized by the national 30982

environmental laboratory accreditation conference. 30983

(2) For analysis of any constituent other than asbestos, 30984  
valid accreditation by one of the following: 30985

(a) The national environmental laboratory accreditation 30986  
program; 30987

(b) A national environmental laboratory accreditation program 30988  
accreditation from an accreditation body recognized by the 30989  
national environmental laboratory accreditation conference. 30990

(B) "Activity and use limitations" has the same meaning as in 30991  
section 5301.80 of the Revised Code. 30992

~~(B)~~(C) "Affiliated" means under common ownership or control. 30993

~~(C)~~(D) "Applicable standards," unless the context indicates 30994  
otherwise, means standards that applied before the effective date 30995  
of this amendment, standards established in or pursuant to 30996  
sections 3746.05~~7~~, and 3746.06~~7~~, ~~and~~ 3746.07 of the Revised Code, in 30997  
or pursuant to rules adopted under division (B)(1) or (2) of 30998  
section 3746.04 of the Revised Code, pursuant to rules adopted 30999  
under division ~~(B)(12)~~(b)~~(B)(11)~~(b) of section 3746.04 of the 31000  
Revised Code, or alternative standards and terms and conditions 31001  
set forth in a variance issued under section 3746.09 of the 31002  
Revised Code, as applicable. 31003

~~(D)~~(E) "Background level" means the conditions at a property 31004  
and areas surrounding a property that are unaffected by any 31005  
current or past activities involving treatment, storage, or 31006  
disposal of hazardous substances or petroleum. "Background level" 31007  
includes naturally occurring substances. 31008

~~(E)~~(F) "Certified laboratory" means a laboratory that was 31009  
certified by the director of environmental protection pursuant to 31010  
rules adopted under division (B)(6) of section 3746.04 of the 31011  
Revised Code, or deemed to be certified under division (E) of 31012

~~section 3746.07 of the Revised Code~~, to perform analyses in 31013  
connection with voluntary actions before the effective date of 31014  
this amendment. 31015

~~(F)~~(G) "Certified professional" means a person certified by 31016  
the director pursuant to rules adopted under division (B)(5) of 31017  
section 3746.04 of the Revised Code, or deemed to be certified 31018  
~~under division (D) of section 3746.07 of the Revised Code~~ before 31019  
the effective date of this amendment, to issue no further action 31020  
letters under section 3746.11 of the Revised Code. 31021

~~(G)~~(H) "Covenant not to sue" means a release from liability 31022  
that is issued by the director under section 3746.12 of the 31023  
Revised Code. 31024

~~(H)~~(I) "Environmental covenant" has the same meaning as in 31025  
section 5301.80 of the Revised Code. 31026

~~(I)~~(J) "Hazardous substance" includes all of the following: 31027

(1) Any substance identified or listed in rules adopted under 31028  
division (B)(1)(c) of section 3750.02 of the Revised Code; 31029

(2) Any product registered as a pesticide under section 31030  
921.02 of the Revised Code when the product is used in a manner 31031  
inconsistent with its required labeling; 31032

(3) Any product formerly registered as a pesticide under that 31033  
section for which the registration was suspended or canceled under 31034  
section 921.05 of the Revised Code; 31035

(4) Any mixture of a substance described in divisions 31036  
~~(I)~~~~(1)~~(J)(1) to (3) of this section with a radioactive material. 31037

~~(J)~~(K) "Owner or operator" includes both of the following: 31038

(1) Any person owning or holding a legal, equitable, or 31039  
possessory interest in or having responsibility for the daily 31040  
activities on a property; 31041

(2) In the case of property title or control of which was 31042

conveyed due to bankruptcy, foreclosure, tax delinquency, 31043  
abandonment, or similar means to this state or a political 31044  
subdivision of this state, any person who owned, operated, or 31045  
otherwise controlled activities occurring on the property before 31046  
the conveyance. 31047

~~(K)~~(L) "Person" means any person as defined in section 1.59 31048  
of the Revised Code and also includes this state, any political 31049  
subdivision of this state, any other body of this state or of a 31050  
political subdivision of this state, the board of directors of a 31051  
nonprofit corporation governing a special improvement district 31052  
created under Chapter 1710. of the Revised Code, and the United 31053  
States and any agency or instrumentality thereof. 31054

~~(I)~~(M) "Petroleum" means oil or petroleum of any kind and in 31055  
any form, including, without limitation, crude oil or any fraction 31056  
thereof, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil 31057  
refuse, used oil, substances or additives utilized in the refining 31058  
or blending of crude petroleum or petroleum stock, natural gas, 31059  
natural gas liquids, liquefied natural gas, synthetic gas usable 31060  
for fuel, and mixtures of natural gas and synthetic gas. 31061

~~(M)~~(N) "Property," except for the purposes of sections 31062  
3746.02, 3746.26, and 3746.27 of the Revised Code, means any 31063  
parcel of real property, or portion thereof, and any improvements 31064  
thereto, the limits of which have been described in writing by the 31065  
owner of record or a legally appointed representative of the owner 31066  
and that is or has been the subject of a voluntary action under 31067  
this chapter and rules adopted under it. 31068

~~(N)~~(O) "Radioactive material" means a substance that 31069  
spontaneously emits ionizing radiation. 31070

~~(O)~~(P) "Related" means the persons are related by 31071  
consanguinity or marriage. 31072

~~(P)~~(Q) "Release" means any spilling, leaking, pumping, 31073

pouring, emitting, emptying, discharging, injecting, escaping, 31074  
leaching, migrating, dumping, or disposing of any hazardous 31075  
substance or petroleum into the environment, including, without 31076  
limitation, the abandonment or discarding of barrels, containers, 31077  
or any other closed receptacle containing any hazardous substance, 31078  
petroleum, or pollutant or contaminant. "Release" does not include 31079  
any of the following: 31080

(1) Any release that results solely in the exposure of 31081  
individuals to hazardous substances or petroleum in the workplace 31082  
with respect to which those individuals may assert a claim against 31083  
their employer and that is regulated under the "Occupational 31084  
Health and Safety Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, as 31085  
amended, and regulations adopted under that act, or under Chapter 31086  
4167. of the Revised Code and rules adopted under it; 31087

(2) Emissions from the engine exhaust of a motor vehicle, 31088  
rolling stock, aircraft, vessel, or pipeline pumping station 31089  
engine; 31090

(3) Any release of a source, byproduct, or special nuclear 31091  
material from a nuclear incident, as "source material," "byproduct 31092  
material," "special nuclear material," and "nuclear incident" are 31093  
defined in the "Atomic Energy Act of 1954," 68 Stat. 919, 42 31094  
U.S.C.A. 2011, as amended, if the release is subject to financial 31095  
protection requirements under section 170 of that act unless any 31096  
such material is mixed with a hazardous substance or petroleum; 31097

(4) Any federally permitted release as defined in section 31098  
101(10) of the "Comprehensive Environmental Response, 31099  
Compensation, and Liability Act of 1980," 94 Stat. 3300, 42 31100  
U.S.C.A. 9601, as amended; 31101

(5) The normal application of a fertilizer material that is 31102  
intended to improve the quality or quantity of plant growth. 31103

~~(Q)~~(R) "Remedy" or "remedial activities" means actions that 31104

are taken at a property to treat, remove, transport for treatment 31105  
or disposal, dispose of, contain, or control hazardous substances 31106  
or petroleum, are protective of public health and safety and the 31107  
environment, and are consistent with a permanent remedy, 31108  
including, without limitation, excavation, treatment, off-site 31109  
disposal, the use of engineering or institutional controls or 31110  
activity and use limitations, the issuance and implementation of a 31111  
consolidated standards permit under section 3746.15 of the Revised 31112  
Code, and the entering into and implementation of an operation and 31113  
maintenance agreement pursuant to section 3746.12 of the Revised 31114  
Code. 31115

~~(R)~~(S) "Voluntary action" means a series of measures that may 31116  
be undertaken to identify and address potential sources of 31117  
contamination of property by hazardous substances or petroleum and 31118  
to establish that the property complies with applicable standards. 31119  
"Voluntary action" may include, without limitation, a phase I 31120  
property assessment conducted in accordance with rules adopted 31121  
under division (B)(3) of section 3746.04 of the Revised Code or 31122  
~~division (B) of~~ section 3746.07 of the Revised Code as it existed 31123  
before the effective date of this amendment, as appropriate, a 31124  
phase II property assessment conducted in accordance with rules 31125  
adopted under division (B)(4) of section 3746.04 of the Revised 31126  
Code or ~~division (C) of~~ section 3746.07 of the Revised Code as it 31127  
existed before the effective date of this amendment, as 31128  
appropriate, and a sampling plan, a remedial plan, or remedial 31129  
activities followed by the issuance of a no further action letter 31130  
under section 3746.11 of the Revised Code indicating that the 31131  
property meets applicable standards upon demonstration by the 31132  
person undertaking the measures either that there is no 31133  
information indicating that there has been a release of hazardous 31134  
substances or petroleum at or upon the property or that there has 31135  
been a release of hazardous substances or petroleum at or upon the 31136  
property and that applicable standards were not exceeded or have 31137

been or will be achieved in accordance with this chapter and rules 31138  
adopted under it. 31139

**Sec. 3746.04.** ~~Within one year after September 28, 1994, the~~ 31140  
The director of environmental protection, in accordance with 31141  
Chapter 119. of the Revised Code, shall adopt, and subsequently 31142  
may amend, suspend, or rescind, rules that do both of the 31143  
following: 31144

(A) Revise the rules adopted under Chapters 3704., 3714., 31145  
3734., 6109., and 6111. of the Revised Code to incorporate the 31146  
provisions necessary to conform those rules to the requirements of 31147  
this chapter. The amended rules adopted under this division also 31148  
shall establish response times for all submittals to the 31149  
environmental protection agency required under this chapter or 31150  
rules adopted under it. 31151

(B) Establish requirements and procedures that are reasonably 31152  
necessary for the implementation and administration of this 31153  
chapter, including, without limitation, all of the following: 31154

(1) Appropriate generic numerical clean-up standards for the 31155  
treatment or removal of soils, sediments, and water media for 31156  
hazardous substances and petroleum. The rules shall establish 31157  
separate generic numerical clean-up standards based upon the 31158  
intended use of properties after the completion of voluntary 31159  
actions, including industrial, commercial, and residential uses 31160  
and such other categories of land use as the director considers to 31161  
be appropriate. The generic numerical clean-up standards 31162  
established for each category of land use shall be the 31163  
concentration of each contaminant that may be present on a 31164  
property that shall ensure protection of public health and safety 31165  
and the environment for the reasonable exposure for that category 31166  
of land use. When developing the standards, the director shall 31167  
consider such factors as all of the following: 31168

(a) Scientific information, including, without limitation, 31169  
toxicological information and realistic assumptions regarding 31170  
human and environmental exposure to hazardous substances or 31171  
petroleum; 31172

(b) Climatic factors; 31173

(c) Human activity patterns; 31174

(d) Current statistical techniques; 31175

(e) For petroleum at industrial property, alternatives to the 31176  
use of total petroleum hydrocarbons. 31177

The generic numerical clean-up standards established in the 31178  
rules adopted under division (B)(1) of this section shall be 31179  
consistent with and equivalent in scope, content, and coverage to 31180  
any applicable standard established by federal environmental laws 31181  
and regulations adopted under them, including, without limitation, 31182  
the "Federal Water Pollution Control Act Amendments of 1972," 86 31183  
Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource 31184  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 31185  
6921, as amended; the "Toxic Substances Control Act," 90 Stat. 31186  
2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive 31187  
Environmental Response, Compensation, and Liability Act of 1980," 31188  
94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe 31189  
Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as 31190  
amended. 31191

In order for the rules adopted under division (B)(1) of this 31192  
section to require that any such federal environmental standard 31193  
apply to a property, the property shall meet the requirements of 31194  
the particular federal statute or regulation involved in the 31195  
manner specified by the statute or regulation. 31196

The generic numerical clean-up standards for petroleum at 31197  
commercial or residential property shall be the standards 31198  
established in rules adopted under division (B) of section 31199

3737.882 of the Revised Code. 31200

(2)(a) Procedures for performing property-specific risk 31201  
assessments that would be performed at a property to demonstrate 31202  
that the remedy evaluated in a risk assessment results in 31203  
protection of public health and safety and the environment instead 31204  
of complying with the generic numerical clean-up standards 31205  
established in the rules adopted under division (B)(1) of this 31206  
section. The risk assessment procedures shall describe a 31207  
methodology to establish, on a property-specific basis, allowable 31208  
levels of contamination to remain at a property to ensure 31209  
protection of public health and safety and the environment on the 31210  
property and off the property when the contamination is emanating 31211  
off the property, taking into account all of the following: 31212

(i) The implementation of treatment, storage, or disposal, or 31213  
a combination thereof, of hazardous substances or petroleum; 31214

(ii) The existence of institutional controls or activity and 31215  
use limitations that eliminate or mitigate exposure to hazardous 31216  
substances or petroleum through the restriction of access to 31217  
hazardous substances or petroleum; 31218

(iii) The existence of engineering controls that eliminate or 31219  
mitigate exposure to hazardous substances or petroleum through 31220  
containment of, control of, or restrictions of access to hazardous 31221  
substances or petroleum, including, without limitation, fences, 31222  
cap systems, cover systems, and landscaping. 31223

(b) The risk assessment procedures and levels of acceptable 31224  
risk set forth in the rules adopted under division (B)(2) of this 31225  
section shall be based upon all of the following: 31226

(i) Scientific information, including, without limitation, 31227  
toxicological information and actual or proposed human and 31228  
environmental exposure; 31229

(ii) Locational and climatic factors; 31230

(iii) Surrounding land use and human activities; 31231

(iv) Differing levels of remediation that may be required 31232  
when an existing land use is continued compared to when a 31233  
different land use follows the remediation. 31234

(c) Any standards established pursuant to rules adopted under 31235  
division (B)(2) of this section shall be no more stringent than 31236  
standards established under the environmental statutes of this 31237  
state and rules adopted under them for the same contaminant in the 31238  
same environmental medium that are in effect at the time the risk 31239  
assessment is conducted. 31240

(3) Minimum standards for phase I property assessments. The 31241  
standards shall specify the information needed to demonstrate that 31242  
there is no reason to believe that contamination exists on a 31243  
property. The rules adopted under division (B)(3) of this section, 31244  
at a minimum, shall require that a phase I property assessment 31245  
include all of the following: 31246

(a) A review and analysis of deeds, mortgages, easements of 31247  
record, and similar documents relating to the chain of title to 31248  
the property that are publicly available or that are known to and 31249  
reasonably available to the owner or operator; 31250

(b) A review and analysis of any previous environmental 31251  
assessments, property assessments, environmental studies, or 31252  
geologic studies of the property and any land within two thousand 31253  
feet of the boundaries of the property that are publicly available 31254  
or that are known to and reasonably available to the owner or 31255  
operator; 31256

(c) A review of current and past environmental compliance 31257  
histories of persons who owned or operated the property; 31258

(d) A review of aerial photographs of the property that 31259  
indicate prior uses of the property; 31260

(e) Interviews with managers of activities conducted at the 31261  
property who have knowledge of environmental conditions at the 31262  
property; 31263

(f) Conducting an inspection of the property consisting of a 31264  
walkover; 31265

(g) Identifying the current and past uses of the property, 31266  
adjoining tracts of land, and the area surrounding the property, 31267  
including, without limitation, interviews with persons who reside 31268  
or have resided, or who are or were employed, within the area 31269  
surrounding the property regarding the current and past uses of 31270  
the property and adjacent tracts of land. 31271

The rules adopted under division (B)(3) of this section shall 31272  
establish criteria to determine when a phase II property 31273  
assessment shall be conducted when a phase I property assessment 31274  
reveals facts that establish a reason to believe that hazardous 31275  
substances or petroleum have been treated, stored, managed, or 31276  
disposed of on the property if the person undertaking the phase I 31277  
property assessment wishes to obtain a covenant not to sue under 31278  
section 3746.12 of the Revised Code. 31279

(4) Minimum standards for phase II property assessments. The 31280  
standards shall specify the information needed to demonstrate that 31281  
any contamination present at the property does not exceed 31282  
applicable standards or that the remedial activities conducted at 31283  
the property have achieved compliance with applicable standards. 31284  
The rules adopted under division (B)(4) of this section, at a 31285  
minimum, shall require that a phase II property assessment include 31286  
all of the following: 31287

(a) A review and analysis of all documentation prepared in 31288  
connection with a phase I property assessment conducted within the 31289  
one hundred eighty days before the phase II property assessment 31290  
begins. The rules adopted under division (B)(4)(a) of this section 31291

shall require that if a period of more than one hundred eighty 31292  
days has passed between the time that the phase I assessment of 31293  
the property was completed and the phase II assessment begins, the 31294  
phase II assessment shall include a reasonable inquiry into the 31295  
change in the environmental condition of the property during the 31296  
intervening period. 31297

(b) Quality assurance objectives for measurements taken in 31298  
connection with a phase II assessment; 31299

(c) Sampling procedures to ensure the representative sampling 31300  
of potentially contaminated environmental media; 31301

(d) Quality assurance and quality control requirements for 31302  
samples collected in connection with phase II assessments; 31303

(e) Analytical and data assessment procedures; 31304

(f) Data objectives to ensure that samples collected in 31305  
connection with phase II assessments are biased toward areas where 31306  
information indicates that contamination by hazardous substances 31307  
or petroleum is likely to exist. 31308

(5) Standards governing the conduct of certified 31309  
professionals, criteria and procedures for the certification of 31310  
professionals to issue no further action letters under section 31311  
3746.11 of the Revised Code, and criteria for the suspension and 31312  
revocation of those certifications. The director shall take an 31313  
action regarding a certification as a final action. The issuance, 31314  
denial, renewal, suspension, and revocation of those 31315  
certifications are subject to Chapter 3745. of the Revised Code, 31316  
except that, in lieu of publishing an action regarding a 31317  
certification in a newspaper of general circulation as required in 31318  
section 3745.07 of the Revised Code, such an action shall be 31319  
published on the environmental protection agency's web site and in 31320  
the agency's weekly review not later than fifteen days after the 31321  
date of the issuance, denial, renewal, suspension, or revocation 31322

of the certification and not later than thirty days before a 31323  
hearing or public meeting concerning the action. 31324

The rules adopted under division (B)(5) of this section shall 31325  
do all of the following: 31326

(a) Provide for the certification of environmental 31327  
professionals to issue no further action letters pertaining to 31328  
investigations and remedies in accordance with the criteria and 31329  
procedures set forth in the rules. The rules adopted under 31330  
division (B)(5)(a) of this section shall do at least all of the 31331  
following: 31332

(i) Authorize the director to consider such factors as an 31333  
environmental professional's previous performance record regarding 31334  
such investigations and remedies and the environmental 31335  
professional's environmental compliance history when determining 31336  
whether to certify the environmental professional; 31337

(ii) Ensure that an application for certification is reviewed 31338  
in a timely manner; 31339

(iii) Require the director to certify any environmental 31340  
professional who the director determines complies with those 31341  
criteria; 31342

(iv) Require the director to deny certification for any 31343  
environmental professional who does not comply with those 31344  
criteria. 31345

(b) Establish an annual fee to be paid by environmental 31346  
professionals certified pursuant to the rules adopted under 31347  
division (B)(5)(a) of this section. The fee shall be established 31348  
at an amount calculated to defray the costs to the agency for the 31349  
required reviews of the qualifications of environmental 31350  
professionals for certification and for the issuance of the 31351  
certifications. 31352

(c) Develop a schedule for and establish requirements 31353  
governing the review by the director of the credentials of 31354  
environmental professionals who were deemed to be certified 31355  
professionals ~~under division (D) of section 3746.07 of the Revised~~ 31356  
~~Code~~ before the effective date of this amendment in order to 31357  
determine if they comply with the criteria established in rules 31358  
adopted under division (B)(5) of this section. The rules adopted 31359  
under division (B)(5)(c) of this section shall do at least all of 31360  
the following: 31361

(i) Ensure that the review is conducted in a timely fashion; 31362

(ii) Require the director to certify any such environmental 31363  
professional who the director determines complies with those 31364  
criteria; 31365

(iii) Require any such environmental professional initially 31366  
to pay the fee established in the rules adopted under division 31367  
(B)(5)(b) of this section at the time that the environmental 31368  
professional is so certified by the director; 31369

(iv) Establish a time period within which any such 31370  
environmental professional who does not comply with those criteria 31371  
may obtain the credentials that are necessary for certification; 31372

(v) Require the director to deny certification for any such 31373  
environmental professional who does not comply with those criteria 31374  
and who fails to obtain the necessary credentials within the 31375  
established time period. 31376

(d) Require that any information submitted to the director 31377  
for the purposes of the rules adopted under division (B)(5)(a) or 31378  
(c) of this section comply with division (A) of section 3746.20 of 31379  
the Revised Code; 31380

(e) Authorize the director to suspend or revoke the 31381  
certification of an environmental professional if the director 31382  
finds that the environmental professional's performance has 31383

resulted in the issuance of no further action letters under 31384  
section 3746.11 of the Revised Code that are not consistent with 31385  
applicable standards or finds that the certified environmental 31386  
professional has not substantially complied with section 3746.31 31387  
of the Revised Code; 31388

(f) Authorize the director to suspend for a period of not 31389  
more than five years or to permanently revoke a certified 31390  
environmental professional's certification for any violation of or 31391  
failure to comply with an ethical standard established in rules 31392  
adopted under division (B)(5) of this section; 31393

(g) Require the director to revoke the certification of an 31394  
environmental professional if the director finds that the 31395  
environmental professional falsified any information on the 31396  
environmental professional's application for certification 31397  
regarding the environmental professional's credentials or 31398  
qualifications or any other information generated for the purposes 31399  
of or use under this chapter or rules adopted under it; 31400

(h) Require the director permanently to revoke the 31401  
certification of an environmental professional who has violated or 31402  
is violating division (A) of section 3746.18 of the Revised Code; 31403

(i) Preclude the director from revoking the certification of 31404  
an environmental professional who only conducts investigations and 31405  
remedies at property contaminated solely with petroleum unless the 31406  
director first consults with the director of commerce. 31407

~~(6) Criteria and procedures for the certification of 31408  
laboratories to perform analyses under this chapter and rules 31409  
adopted under it. The issuance, denial, suspension, and revocation 31410  
of those certifications are subject to Chapter 3745. of the 31411  
Revised Code, and the director of environmental protection shall 31412  
take any such action regarding a certification as a final action. 31413~~

~~The rules adopted under division (B)(6) of this section shall 31414~~

~~do all of the following:~~ 31415

~~(a) Provide for the certification to perform analyses of laboratories in accordance with the criteria and procedures established in the rules adopted under division (B)(6)(a) of this section and establish an annual fee to be paid by those laboratories. The fee shall be established at an amount calculated to defray the costs to the agency for the review of the qualifications of those laboratories for certification and for the issuance of the certifications. The rules adopted under division (B)(6)(a) of this section may provide for the certification of those laboratories to perform only particular types or categories of analyses, specific test parameters or group of test parameters, or a specific matrix or matrices under this chapter.~~ 31416  
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~~(b) Develop a schedule for and establish requirements governing the review by the director of the operations of laboratories that were deemed to be certified laboratories under division (E) of section 3746.07 of the Revised Code in order to determine if they comply with the criteria established in rules adopted under division (B)(6) of this section. The rules adopted under division (B)(6)(b) of this section shall do at least all of the following:~~ 31428  
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~~(i) Ensure that the review is conducted in a timely fashion;~~ 31436

~~(ii) Require the director to certify any such laboratory that the director determines complies with those criteria;~~ 31437  
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~~(iii) Require any such laboratory initially to pay the fee established in the rules adopted under division (B)(6)(a) of this section at the time that the laboratory is so certified by the director;~~ 31439  
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~~(iv) Establish a time period within which any such laboratory that does not comply with those criteria may make changes in its operations necessary for the performance of analyses under this~~ 31443  
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~~chapter and rules adopted under it in order to be certified by the~~ 31446  
~~director;~~ 31447

~~(v) Require the director to deny certification for any such~~ 31448  
~~laboratory that does not comply with those criteria and that fails~~ 31449  
~~to make the necessary changes in its operations within the~~ 31450  
~~established time period.~~ 31451

~~(c) Require that any information submitted to the director~~ 31452  
~~for the purposes of the rules adopted under division (B)(6)(a) or~~ 31453  
~~(b) of this section comply with division (A) of section 3746.20 of~~ 31454  
~~the Revised Code;~~ 31455

~~(d) Authorize the director to suspend or revoke the~~ 31456  
~~certification of a laboratory if the director finds that the~~ 31457  
~~laboratory's performance has resulted in the issuance of no~~ 31458  
~~further action letters under section 3746.11 of the Revised Code~~ 31459  
~~that are not consistent with applicable standards;~~ 31460

~~(e) Authorize the director to suspend or revoke the~~ 31461  
~~certification of a laboratory if the director finds that the~~ 31462  
~~laboratory falsified any information on its application for~~ 31463  
~~certification regarding its credentials or qualifications;~~ 31464

~~(f) Require the director permanently to revoke the~~ 31465  
~~certification of a laboratory that has violated or is violating~~ 31466  
~~division (A) of section 3746.18 of the Revised Code.~~ 31467

~~(7) Information to be included in a no further action letter~~ 31468  
~~prepared under section 3746.11 of the Revised Code, including,~~ 31469  
~~without limitation, all of the following:~~ 31470

~~(a) A summary of the information required to be submitted to~~ 31471  
~~the certified environmental professional preparing the no further~~ 31472  
~~action letter under division (C) of section 3746.10 of the Revised~~ 31473  
~~Code;~~ 31474

~~(b) Notification that a risk assessment was performed in~~ 31475

accordance with rules adopted under division (B)(2) of this	31476
section if such an assessment was used in lieu of generic	31477
numerical clean-up standards established in rules adopted under	31478
division (B)(1) of this section;	31479
(c) The contaminants addressed at the property, if any, their	31480
source, if known, and their levels prior to remediation;	31481
(d) The identity of any other person who performed work to	31482
support the request for the no further action letter as provided	31483
in division (B)(2) of section 3746.10 of the Revised Code and the	31484
nature and scope of the work performed by that person;	31485
(e) A list of the data, information, records, and documents	31486
relied upon by the certified environmental professional in	31487
preparing the no further action letter.	31488
<del>(8)</del> <u>(7)</u> Methods for determining fees to be paid for the	31489
following services provided by the agency under this chapter and	31490
rules adopted under it:	31491
(a) Site- or property-specific technical assistance in	31492
developing or implementing plans in connection with a voluntary	31493
action;	31494
(b) Reviewing applications for and issuing consolidated	31495
standards permits under section 3746.15 of the Revised Code and	31496
monitoring compliance with those permits;	31497
(c) Negotiating, preparing, and entering into agreements	31498
necessary for the implementation and administration of this	31499
chapter and rules adopted under it;	31500
(d) Reviewing no further action letters, issuing covenants	31501
not to sue, and monitoring compliance with any terms and	31502
conditions of those covenants and with operation and maintenance	31503
agreements entered into pursuant to those covenants, including,	31504
without limitation, conducting audits of properties where	31505

voluntary actions are being or were conducted under this chapter 31506  
and rules adopted under it. 31507

The fees established pursuant to the rules adopted under 31508  
division ~~(B)(8)~~(B)(7) of this section shall be at a level 31509  
sufficient to defray the direct and indirect costs incurred by the 31510  
agency for the administration and enforcement of this chapter and 31511  
rules adopted under it other than the provisions regarding the 31512  
certification of professionals and laboratories. 31513

~~(9)~~(8) Criteria for selecting the no further action letters 31514  
issued under section 3746.11 of the Revised Code that will be 31515  
audited under section 3746.17 of the Revised Code, and the scope 31516  
and procedures for conducting those audits. The rules adopted 31517  
under division ~~(B)(9)~~(B)(8) of this section, at a minimum, shall 31518  
require the director to establish priorities for auditing no 31519  
further action letters to which any of the following applies: 31520

(a) The letter was prepared by an environmental professional 31521  
who was deemed to be a certified professional ~~under division (D)~~ 31522  
~~of section 3746.07 of the Revised Code~~ before the effective date 31523  
of this amendment, but who does not comply with the criteria 31524  
established in rules adopted under division (B)(5) of this section 31525  
as determined pursuant to rules adopted under division (B)(5)(d) 31526  
of this section; 31527

(b) The letter was submitted fraudulently; 31528

(c) The letter was prepared by a certified environmental 31529  
professional whose certification subsequently was revoked in 31530  
accordance with rules adopted under division (B)(5) of this 31531  
section, or analyses were performed for the purposes of the no 31532  
further action letter by a certified laboratory whose 31533  
certification ~~subsequently~~ was revoked ~~in accordance with rules~~ 31534  
~~adopted under division (B)(6) of this section~~ before the effective 31535  
date of this amendment or a laboratory that is not an accredited 31536

<u>laboratory;</u>	31537
(d) A covenant not to sue that was issued pursuant to the letter was revoked under this chapter;	31538 31539
(e) The letter was for a voluntary action that was conducted pursuant to a risk assessment in accordance with rules adopted under division (B)(2) of this section;	31540 31541 31542
(f) The letter was for a voluntary action that included as remedial activities engineering controls or institutional controls or activity and use limitations authorized under section 3746.05 of the Revised Code.	31543 31544 31545 31546
The rules adopted under division <del>(B)(9)</del> <u>(B)(8)</u> of this section shall provide for random audits of no further action letters to which the rules adopted under divisions <del>(B)(9)(a)</del> <u>(B)(8)(a)</u> to (f) of this section do not apply.	31547 31548 31549 31550
<del>(10)</del> <u>(9)</u> A classification system to characterize ground water according to its capability to be used for human use and its impact on the environment and a methodology that shall be used to determine when ground water that has become contaminated from sources on a property for which a covenant not to sue is requested under section 3746.11 of the Revised Code shall be remediated to the standards established in the rules adopted under division (B)(1) or (2) of this section.	31551 31552 31553 31554 31555 31556 31557 31558
(a) In adopting rules under division <del>(B)(10)</del> <u>(B)(9)</u> of this section to characterize ground water according to its capability for human use, the director shall consider all of the following:	31559 31560 31561
(i) The presence of legally enforceable, reliable restrictions on the use of ground water, including, without limitation, local rules or ordinances;	31562 31563 31564
(ii) The presence of regional commingled contamination from multiple sources that diminishes the quality of ground water;	31565 31566

(iii) The natural quality of ground water;	31567
(iv) Regional availability of ground water and reasonable alternative sources of drinking water;	31568 31569
(v) The productivity of the aquifer;	31570
(vi) The presence of restrictions on the use of ground water implemented under this chapter and rules adopted under it;	31571 31572
(vii) The existing use of ground water.	31573
(b) In adopting rules under division <del>(B)(10)</del> <u>(B)(9)</u> of this section to characterize ground water according to its impacts on the environment, the director shall consider both of the following:	31574 31575 31576 31577
(i) The risks posed to humans, fauna, surface water, sediments, soil, air, and other resources by the continuing presence of contaminated ground water;	31578 31579 31580
(ii) The availability and feasibility of technology to remedy ground water contamination.	31581 31582
<del>(11)</del> <u>(10)</u> Governing the application for and issuance of variances under section 3746.09 of the Revised Code;	31583 31584
<del>(12)(a)</del> <u>(11)(a)</u> In the case of voluntary actions involving contaminated ground water, specifying the circumstances under which the generic numerical clean-up standards established in rules adopted under division (B)(1) of this section and standards established through a risk assessment conducted pursuant to rules adopted under division (B)(2) of this section shall be inapplicable to the remediation of contaminated ground water and under which the standards for remediating contaminated ground water shall be established on a case-by-case basis prior to the commencement of the voluntary action pursuant to rules adopted under division <del>(B)(12)(b)</del> <u>(B)(11)(b)</u> of this section;	31585 31586 31587 31588 31589 31590 31591 31592 31593 31594 31595
(b) Criteria and procedures for the case-by-case	31596

establishment of standards for the remediation of contaminated 31597  
ground water under circumstances in which the use of the generic 31598  
numerical clean-up standards and standards established through a 31599  
risk assessment are precluded by the rules adopted under division 31600  
~~(B)(12)(a)~~(B)(11)(a) of this section. The rules governing the 31601  
procedures for the case-by-case development of standards for the 31602  
remediation of contaminated ground water shall establish 31603  
application, public participation, adjudication, and appeals 31604  
requirements and procedures that are equivalent to the 31605  
requirements and procedures established in section 3746.09 of the 31606  
Revised Code and rules adopted under division ~~(B)(11)~~(B)(10) of 31607  
this section, except that the procedural rules shall not require 31608  
an applicant to make the demonstrations set forth in divisions 31609  
(A)(1) to (3) of section 3746.09 of the Revised Code. 31610

~~(13)~~(12) A definition of the evidence that constitutes 31611  
sufficient evidence for the purpose of division (A)(5) of section 31612  
3746.02 of the Revised Code. 31613

At least thirty days before filing the proposed rules 31614  
required to be adopted under this section with the secretary of 31615  
state, director of the legislative service commission, and joint 31616  
committee on agency rule review in accordance with divisions (B) 31617  
and (C) of section 119.03 of the Revised Code, the director of 31618  
environmental protection shall hold at least one public meeting on 31619  
the proposed rules in each of the five districts into which the 31620  
agency has divided the state for administrative purposes. 31621

**Sec. 3746.071 3746.07.** (A) ~~As used in this section,~~ 31622  
~~"certified professional" means a certified professional deemed to~~ 31623  
~~be certified under division (D) of section 3746.07 of the Revised~~ 31624  
~~Code.~~ 31625

~~(B)~~ A certified professional shall do all of the following: 31626

(1) Protect the safety, health, and welfare of the public in 31627

the performance of professional duties. If a circumstance arises 31628  
where the certified professional faces a situation where the 31629  
safety, health, or welfare of the public would not be protected, 31630  
the certified professional shall do all of the following: 31631

(a) Sever the relationship with the certified professional's 31632  
employer or client; 31633

(b) Refuse to accept responsibility for the design, report, 31634  
or statement involved; 31635

(c) Notify the director of environmental protection if, in 31636  
the opinion of the certified professional, the situation is 31637  
sufficiently important. 31638

(2) Undertake to perform assignments only when the certified 31639  
professional or the certified professional's consulting support is 31640  
qualified by training and experience in the specific technical 31641  
fields involved; 31642

(3) Be completely objective in any professional report, 31643  
statement, or testimony. The certified professional shall include 31644  
all relevant and pertinent information in the report, statement, 31645  
or testimony when the result of an omission would or reasonably 31646  
could lead to a fallacious conclusion. 31647

(4) Express an opinion as a technical or expert witness 31648  
before any court, commission, or other tribunal only when it is 31649  
founded upon adequate knowledge of the facts in issue, upon a 31650  
background of technical competence in the subject matter, and upon 31651  
honest conviction of the accuracy and propriety of the testimony. 31652

~~(C)~~(B) A certified professional shall not issue statements, 31653  
criticisms, or arguments on matters connected with public policy 31654  
that are inspired or paid for by an interested party, unless the 31655  
certified professional has prefaced the remarks by explicitly 31656  
identifying the certified professional, by disclosing the identity 31657  
of the parties on whose behalf the certified professional is 31658

speaking, and by revealing the existence of any pecuniary interest 31659  
the certified professional may have in the instant matters. 31660

~~(D)(1)(C)(1)~~ A certified professional shall conscientiously 31661  
avoid any conflict of interest with the certified professional's 31662  
employer or client. 31663

(2) A certified professional promptly shall inform the 31664  
certified professional's employer or client of any business 31665  
association, interests, or circumstances that could influence the 31666  
certified professional's judgment or the quality of the certified 31667  
professional's service to the employer or client. 31668

(3) A certified professional shall not accept compensation, 31669  
financial or otherwise, from more than one party for services on 31670  
or pertaining to the same project, unless the circumstances are 31671  
fully disclosed to, and agreed to, by all interested parties or 31672  
their duly authorized agents. 31673

(4) A certified professional shall not solicit or accept 31674  
financial or other valuable considerations from material or 31675  
equipment suppliers for specifying their products. 31676

(5) A certified professional shall not solicit or accept 31677  
gratuities, directly or indirectly, from contractors, their 31678  
agents, or other parties dealing directly with the certified 31679  
professional's employer or client in connection with the work for 31680  
which the certified professional is responsible. 31681

~~(E)(1)(D)(1)~~ A certified professional shall not pay, solicit, 31682  
or offer, directly or indirectly, any bribe or commission for 31683  
professional employment with the exception of payment of the usual 31684  
commission for securing salaried positions through licensed 31685  
employment agencies. 31686

(2) A certified professional shall seek professional 31687  
employment on the basis of qualification and competence for proper 31688  
accomplishment of the work. A certified professional may submit 31689

proposed fee information prior to selection to serve as a 31690  
certified professional under this chapter and rules adopted under 31691  
it. 31692

(3) A certified professional shall not falsify or permit 31693  
misrepresentation of the certified professional's or the certified 31694  
professional's associates' academic or professional 31695  
qualifications. The certified professional shall not misrepresent 31696  
or exaggerate the certified professional's degree of 31697  
responsibility in or for the subject matter of prior assignments. 31698

(4) Brochures or other presentations incident to the 31699  
solicitation of employment by a certified professional shall not 31700  
misrepresent pertinent facts concerning the certified 31701  
professional's employers, employees, associates, or joint 31702  
ventures, or the past accomplishments of any of them, with the 31703  
intent and purpose of enhancing the certified professional's 31704  
qualifications for the certified professional's work. 31705

~~(F)(1)~~(E)(1) A certified professional shall not sign or seal 31706  
professional work for which the certified professional does not 31707  
have personal professional knowledge and direct supervisory 31708  
control and responsibility. 31709

(2) A certified professional shall not knowingly associate 31710  
with, or permit the use of the certified professional's own name 31711  
or the name of the certified professional's firm in, a business 31712  
venture by any person or firm that the certified professional 31713  
knows, or has reason to believe, is engaging in business or 31714  
professional practices of a fraudulent or dishonest nature. 31715

(3) If a certified professional has knowledge or reason to 31716  
believe that another person or firm has violated any of the 31717  
provisions of this chapter or any requirement of this section, the 31718  
certified professional shall present the information to the 31719  
director in writing. 31720

~~(G)~~(F) The director, in accordance with rules adopted under 31721  
section 3746.04 of the Revised Code, may suspend for a period of 31722  
not more than five years or permanently revoke a certified 31723  
professional's certification for a violation of or failure to 31724  
comply with any requirement or obligation set forth in this 31725  
section. 31726

(G) Notwithstanding any other provision of this chapter to 31727  
the contrary, a certified professional may use data analyzed by a 31728  
certified laboratory prior to the effective date of this amendment 31729  
in completion of a no further action letter. 31730

**Sec. 3746.09.** (A) A person who proposes to enter into or who 31731  
is participating in the voluntary action program under this 31732  
chapter and rules adopted under it, in accordance with this 31733  
section and rules adopted under division ~~(B)(11)~~(B)(10) of section 31734  
3746.04 of the Revised Code, may apply to the director of 31735  
environmental protection for a variance from applicable standards 31736  
otherwise established in this chapter and rules adopted under it. 31737  
The application for a variance shall be prepared by a certified 31738  
professional. The director shall issue a variance from those 31739  
applicable standards only if the application makes all of the 31740  
following demonstrations to the director's satisfaction: 31741

(1) Either or both of the following: 31742

(a) It is technically infeasible to comply with the 31743  
applicable standards otherwise established at the property named 31744  
in the application; 31745

(b) The costs of complying with the applicable standards 31746  
otherwise established at the property substantially exceed the 31747  
economic benefits. 31748

(2) The proposed alternative standard or set of standards and 31749  
terms and conditions set forth in the application will result in 31750

an improvement of environmental conditions at the property and 31751  
ensure that public health and safety will be protected. 31752

(3) The establishment of and compliance with the alternative 31753  
standard or set of standards and terms and conditions are 31754  
necessary to promote, protect, preserve, or enhance employment 31755  
opportunities or the reuse of the property named in the 31756  
application. 31757

A variance issued under this section shall state the specific 31758  
standard or standards whose terms are being varied and shall set 31759  
forth the specific alternative standard or set of standards and 31760  
the terms and conditions imposed on the applicant in their place. 31761  
A variance issued under this section shall include only standards 31762  
and terms and conditions proposed by the applicant in the 31763  
application, except that the director may impose any additional or 31764  
alternative terms and conditions that the director determines to 31765  
be necessary to ensure that public health and safety will be 31766  
protected. If the director finds that compliance with any standard 31767  
or term or condition proposed by the applicant will not protect 31768  
public health and safety and that the imposition of additional or 31769  
alternative terms and conditions will not ensure that public 31770  
health or safety will be protected, the director shall disapprove 31771  
the application and shall include in the order of denial the 31772  
specific findings on which the denial was based. 31773

(B) Variances shall be issued or denied in accordance with 31774  
this section, rules adopted under division ~~(B)(11)~~(B)(10) of 31775  
section 3746.04 of the Revised Code, and Chapter 3745. of the 31776  
Revised Code. Upon determining that an application for a variance 31777  
is complete, the director shall schedule a public meeting on the 31778  
application to be held within ninety days after the director 31779  
determines that the application is complete in the county in which 31780  
is located the property to which the application pertains. 31781

(C) Not less than thirty days before the date scheduled for 31782

the public meeting on an application for a variance, the director 31783  
shall publish notice of the public meeting and that the director 31784  
will receive written comments on the application for a period of 31785  
forty-five days commencing on the date of the publication of the 31786  
notice. The notice shall contain all of the following information, 31787  
at a minimum: 31788

(1) The address of the property to which the application 31789  
pertains; 31790

(2) A brief summary of the alternative standards and terms 31791  
and conditions proposed by the applicant; 31792

(3) The date, time, and location of the public meeting. 31793

The notice shall be published in a newspaper of general 31794  
circulation in the county in which the property is located and, if 31795  
the property is located in close proximity to the boundary of the 31796  
county with an adjacent county, as determined by the director, 31797  
shall be published in a newspaper of general circulation in the 31798  
adjacent county. Concurrently with the publication of the notice 31799  
of the public meeting, the director shall mail notice of the 31800  
application, comment period, and public meeting to the owner of 31801  
each parcel of land that is adjacent to the affected property and 31802  
to the legislative authority of the municipal corporation or 31803  
township, and county, in which the affected property is located. 31804  
The notices mailed to the adjacent land owners and legislative 31805  
authorities shall contain the same information as the published 31806  
notice. 31807

(D) At the public meeting on an application for a variance, 31808  
the applicant, or a representative of the applicant who is 31809  
knowledgeable about the affected property and the application, 31810  
shall present information regarding the application and the basis 31811  
of the request for the variance and shall respond to questions 31812  
from the public regarding the affected property and the 31813

application. A representative of the environmental protection 31814  
agency who is familiar with the affected property and the 31815  
application shall attend the public meeting to hear the public's 31816  
comments and to respond to questions from the public regarding the 31817  
affected property and the application. A stenographic record of 31818  
the proceedings at the public meeting shall be kept and shall be 31819  
made a part of the administrative record regarding the 31820  
application. 31821

(E) Within ninety days after conducting the public meeting on 31822  
an application for a variance under division (D) of this section, 31823  
the director shall issue a proposed action to the applicant in 31824  
accordance with section 3745.07 of the Revised Code that indicates 31825  
the director's intent with regard to the issuance or denial of the 31826  
application. When considering whether to issue or deny the 31827  
application or whether to impose terms and conditions of the 31828  
variance that are in addition or alternative to those proposed by 31829  
the applicant, the director shall consider comments on the 31830  
application made by the public at the public meeting and written 31831  
comments on the application received from the public. 31832

**Sec. 3746.10.** (A) Except as otherwise provided in section 31833  
3746.02 of the Revised Code, any person may undertake a voluntary 31834  
action under this chapter and rules adopted under it to identify 31835  
and address potential sources of contamination by hazardous 31836  
substances or petroleum of soil, sediments, surface water, or 31837  
ground water on or underlying property and to establish that the 31838  
property meets applicable standards. The voluntary action may 31839  
include any one or more of the following elements: 31840

(1) A phase I property assessment conducted in accordance 31841  
with rules adopted under division (B)(3) of section 3746.04 of the 31842  
Revised Code ~~or division (B) of section 3746.07 of the Revised~~ 31843  
~~Code, as appropriate;~~ 31844

(2) A phase II property assessment conducted in accordance 31845  
with rules adopted under division (B)(4) of section 3746.04 of the 31846  
Revised Code ~~or division (C) of section 3746.07 of the Revised~~ 31847  
~~Code, as appropriate;~~ 31848

(3) A sampling plan; 31849

(4) A remediation plan; 31850

(5) Remedial activities; 31851

(6) Such other activities as the person undertaking the 31852  
voluntary action considers to be necessary or appropriate to 31853  
address the contamination. 31854

When the person undertaking a voluntary action determines 31855  
that the property meets applicable standards, the person may seek 31856  
a no further action letter from a certified professional. A no 31857  
further action letter may be issued for the property at any stage 31858  
of the identification of potential hazardous substance or 31859  
petroleum contamination or remedial activities after a phase I or 31860  
II property assessment has demonstrated that there is no reason to 31861  
believe that there has been a release of hazardous substances or 31862  
petroleum at or upon the property, that information indicates that 31863  
there has been a release of hazardous substances or petroleum at 31864  
or upon the property, but that the release is not in excess of 31865  
applicable standards, or that if there has been such a release in 31866  
excess of applicable standards, those standards have been achieved 31867  
through remedial activities or will be achieved in accordance with 31868  
the timeframes established in an operation and maintenance 31869  
agreement entered into under division (A)(3) of section 3746.12 of 31870  
the Revised Code or in such an agreement and a consolidated 31871  
standards permit issued under section 3746.15 of the Revised Code. 31872

(B)(1) A person who is participating in the voluntary action 31873  
program under this chapter and rules adopted under it shall do 31874  
both of the following: 31875

(a) Utilize the services of a ~~certified~~ an accredited laboratory to perform any analyses that form the basis for the issuance of a no further action letter for a property and ensure that a laboratory performs in connection with a voluntary action only those analyses for which it is ~~certified under rules adopted under division (B)(6) of section 3746.04 of the Revised Code or for which it is qualified prior to the adoption of those rules~~ accredited;

(b) Utilize the services of a certified professional to verify that the property and any remedial activities undertaken at the property in connection with a voluntary action comply with applicable standards and, if those standards are met, to issue to the person a no further action letter for the property. For the purposes of such a verification, the certified professional shall perform and review all work that was conducted to support the request for the no further action letter or shall ensure that the work has been performed and reviewed by other persons with expertise and competence in areas other than those of the certified professional's expertise and competence as necessary for the issuance of the no further action letter.

(2) No person who is participating in the voluntary action program shall do any of the following:

(a) If the person also is a certified professional, prepare a no further action letter in connection with a voluntary action conducted at a property that the certified professional owns or operates;

(b) Utilize the services of a certified professional who is employed by, affiliated with, or related to the participant or who was employed by or affiliated with the participant during the year preceding the date that the participant entered into the contract to utilize the services of the certified professional in connection with the voluntary action;

(c) Utilize the services of a ~~certified~~ an accredited laboratory that is owned by or affiliated with the participant, that is owned by a person related to the participant, or that was owned by or affiliated with the participant during the year preceding the date that the participant entered into the contract to utilize the services of the ~~certified~~ accredited laboratory in connection with the voluntary action, to perform any analyses that form the basis for the issuance of a no further action letter in connection with a voluntary action.

A covenant not to sue issued under section 3746.12 of the Revised Code to a person who violated division (B)(2)(a), (b), or (c) of this section with respect to the no further action letter upon which issuance of the covenant was based is void.

Except as otherwise provided in division (B)(2) of this section, a person who is participating in the voluntary action program may utilize an independent contractor to serve as a certified professional or ~~certified~~ accredited laboratory.

(C) In order to obtain a no further action letter, a person undertaking a voluntary action shall submit to a certified professional all of the following, as applicable:

(1) Information demonstrating that there is no contamination by hazardous substances or petroleum of soil, sediments, surface water, or ground water on or underlying the property in concentrations exceeding applicable standards. The demonstrations shall be based upon the findings of a phase I or phase II property assessment.

(2) If remedial activities were conducted in connection with the voluntary action, data demonstrating that the remedy meets applicable standards or will achieve applicable standards in accordance with the timeframes established in an operation and maintenance agreement entered into under division (A)(3) of

section 3746.12 of the Revised Code or in such an agreement and a 31939  
consolidated standards permit issued under section 3746.15 of the 31940  
Revised Code; 31941

(3)(a) If the remedy relies on institutional controls or 31942  
restrictions on the use of the property to achieve applicable 31943  
standards, a demonstration that the institutional controls or the 31944  
use restrictions have been recorded in the office of the county 31945  
recorder of the county in which the property is located, or have 31946  
been entered in the appropriate register for registered land as 31947  
defined in section 5309.01 of the Revised Code, in compliance with 31948  
section 3746.14 of the Revised Code; 31949

(b) If the person undertaking a voluntary action seeks to 31950  
obtain a covenant not to sue and if the remedy relies on activity 31951  
and use limitations to achieve applicable standards, a 31952  
demonstration that the activity and use limitations have been 31953  
developed in accordance with this chapter and rules adopted under 31954  
it and are contained in a proposed environmental covenant that 31955  
meets the requirements established in section 5301.82 of the 31956  
Revised Code. 31957

(4) If the remedy relies on engineering controls that contain 31958  
or control the release of hazardous substances or petroleum at or 31959  
from the property, a plan for the proper operation and maintenance 31960  
of the engineering controls. 31961

(D) Except as otherwise specifically provided in this chapter 31962  
and rules adopted under it, voluntary actions under this chapter 31963  
and rules adopted under it shall be undertaken in compliance with 31964  
all applicable laws of this state and rules adopted under them and 31965  
with applicable ordinances, resolutions, and rules of political 31966  
subdivisions of this state. 31967

**Sec. 3746.11.** (A) After receiving the demonstrations and 31968  
operation and maintenance plan, if any, required to be submitted 31969

to a certified professional under division (C) of section 3746.10 31970  
of the Revised Code, the certified professional shall review them 31971  
to verify whether the property where the voluntary action was 31972  
undertaken complies with applicable standards or shall ensure that 31973  
they have been reviewed by another person or persons who performed 31974  
work to support the request for the no further action letter as 31975  
provided in division (B)(2) of section 3746.10 of the Revised 31976  
Code. If, on the basis of the best knowledge, information, and 31977  
belief of the certified professional, the certified professional 31978  
concludes that the property meets applicable standards, the 31979  
certified professional shall prepare a no further action letter 31980  
for the property. The no further action letter shall contain all 31981  
the information specified in rules adopted under division 31982  
~~(B)(7), (B)(6)~~ of section 3746.04 of the Revised Code ~~or in division~~ 31983  
~~(E) of section 3746.07 of the Revised Code, as applicable.~~ 31984

Upon completion of a no further action letter, the certified 31985  
professional shall send a copy of the letter to the person who 31986  
undertook the voluntary action. The letter shall be accompanied by 31987  
a written request that the person notify the certified 31988  
professional as to whether the person wishes to submit the no 31989  
further action letter to the director of environmental protection 31990  
and by a written notice informing the person that the original 31991  
letter may be submitted to the director only by a certified 31992  
professional and that the person may receive a covenant not to sue 31993  
from the director in connection with the voluntary action only if 31994  
the no further action letter for the voluntary action is submitted 31995  
to the director on the person's behalf by the certified 31996  
professional. 31997

Promptly after receipt of the letter and request, the person 31998  
who undertook the voluntary action shall send written notice to 31999  
the certified professional informing the certified professional as 32000  
to whether the person wishes to submit the letter to the director 32001

and shall send a copy of the notice to the director. If the 32002  
person's notice indicates that the person wishes to have the no 32003  
further action letter submitted to the director, promptly after 32004  
receipt of the notice, the certified professional shall submit the 32005  
original no further action letter, together with a proposed 32006  
environmental covenant, if applicable, and a proposed operation 32007  
and maintenance agreement, if applicable, to the director by 32008  
certified mail on behalf of the person who undertook the voluntary 32009  
action. If the person who undertook the voluntary action notifies 32010  
the certified professional that the person does not wish to submit 32011  
the no further action letter to the director, the certified 32012  
professional shall send the original letter to the person promptly 32013  
after receiving the notice. 32014

(B) If after reviewing the demonstrations required to be 32015  
submitted to the certified professional under division (C) of 32016  
section 3746.10 of the Revised Code, the certified professional 32017  
finds that the property where the voluntary action was undertaken 32018  
does not comply with applicable standards, the certified 32019  
professional shall send to the person who undertook the voluntary 32020  
action written notice of that fact and of the certified 32021  
professional's inability to issue a no further action letter for 32022  
the property. 32023

(C) A certified professional shall prepare a summary report 32024  
detailing the certified professional's findings and conclusions 32025  
about the environmental conditions at the property concerning 32026  
which the professional was requested to prepare a no further 32027  
action letter and the remedial activities undertaken to mitigate 32028  
or abate any threat to public health and safety and the 32029  
environment, including, without limitation, all of the following: 32030

(1) A description of the nature and extent of contamination 32031  
emanating from sources on the property; 32032

(2) A risk assessment performed in accordance with rules 32033

adopted under division (B)(2) of section 3746.04 of the Revised Code if such an assessment was used in lieu of generic numerical clean-up standards established in rules adopted under division (B)(1) of that section;

(3) A description of any remedy conducted at the property and how the remedy complies with applicable standards;

(4) A description of any plan for the proper operation and maintenance of engineering controls identified under division (C)(4) of section 3746.10 of the Revised Code;

(5) Any documents prepared by any other person who performed work to support the request for the no further action letter as provided in division (B)(2) of section 3746.10 of the Revised Code.

(D) A certified professional shall maintain all documents and data prepared or acquired by the certified professional in connection with a no further action letter for not less than ten years after the date of issuance of the letter or after the notice required under division (B) of this section has been sent, as applicable, or for a longer period as determined in rules adopted under section 3746.04 of the Revised Code. The director shall have access to those documents and data in accordance with section 3746.18 or 3746.31 of the Revised Code.

**Sec. 3746.12.** (A) Except as provided in division (C) of this section, the director of environmental protection shall issue to a person on behalf of whom a certified professional has submitted to the director an original no further action letter and accompanying verification under division (A) of section 3746.11 of the Revised Code a covenant not to sue for the property that is named in the letter. The director shall not issue a covenant not to sue if an original no further action letter is submitted to ~~him~~ the director by any person other than the certified professional who prepared

the letter or if a copy of the letter is submitted to ~~him~~ the 32065  
director. 32066

A covenant not to sue shall contain both of the following, as 32067  
applicable: 32068

(1) A provision releasing the person who undertook the 32069  
voluntary action from all civil liability to this state to perform 32070  
additional investigational and remedial activities to address a 32071  
release of hazardous substances or petroleum when the property has 32072  
undergone a phase I or a phase II property assessment in 32073  
compliance with this chapter and rules adopted under it or has 32074  
been the subject of remedial activities conducted under this 32075  
chapter and rules adopted under it to address a release of 32076  
hazardous substances or petroleum and such an assessment or those 32077  
activities demonstrate or result in compliance with applicable 32078  
standards, except: 32079

(a) As otherwise specifically provided in this chapter or as 32080  
may be conditioned by the director under this chapter; 32081

(b) For claims for natural resource damages the state may 32082  
have pursuant to section 107 or 113 of the "Comprehensive 32083  
Environmental Response, Compensation, and Liability Act of 1980," 32084  
94 Stat. 2781 and 2792, 42 U.S.C.A. 9607 and 9613, as amended; 32085

(c) For claims the state may have pursuant to section 107 of 32086  
the "Comprehensive Environmental Response, Compensation, and 32087  
Liability Act of 1980," 94 Stat. 2781, 42 U.S.C.A. 9607, as 32088  
amended, for costs other than those for damages to natural 32089  
resources, provided that the state incurs those other costs as a 32090  
result of an action by the president of the United States under 32091  
section 104, 106, 107, or 122 of that act or pursuant to section 32092  
3746.29 of the Revised Code. 32093

(2) If the voluntary action involves the use of engineering 32094  
controls that contain and control the release of hazardous 32095

substances or petroleum at or from the property in order to comply 32096  
with applicable standards, all of the following: 32097

(a) A provision requiring that the person enter into an 32098  
operation and maintenance agreement with the director that ensures 32099  
that all engineering controls are maintained so that the remedy is 32100  
protective of public health and safety and the environment; that 32101  
includes provisions requiring the person to conduct monitoring for 32102  
compliance with the engineering controls and the applicable 32103  
standards upon which issuance of the covenant was based, and 32104  
periodically to report the findings of the monitoring to the 32105  
director, as specified in the agreement; and that includes 32106  
financial assurances that the remedy will remain operational and 32107  
functional; 32108

(b) A provision requiring the transferor of a covenant that 32109  
contains an operation and maintenance agreement for engineering 32110  
controls to notify the director whenever a transfer or assignment 32111  
of the covenant or property to which it applies occurs; 32112

(c) A provision revoking the covenant if the engineering 32113  
controls are violated or are no longer in place and the person has 32114  
not reinstated the controls within a reasonable period of time as 32115  
determined in accordance with the covenant. 32116

(B)(1) The release provided under division (A)(1) of this 32117  
section remains effective only for as long as the property or 32118  
portion thereof to which the covenant pertains continues to comply 32119  
with the applicable standards upon which the issuance of the 32120  
covenant was based. 32121

(2) Upon finding that a property or portion thereof to which 32122  
a covenant not to sue pertains no longer complies with the 32123  
applicable standards upon which issuance of the covenant was 32124  
based, the director, by certified mail, receipt requested, shall 32125  
mail notice of that fact and the requirements of division (B)(3) 32126

of this section to the person responsible for maintaining 32127  
compliance with those standards. 32128

(3) Unless the recipient of a notice provided under division 32129  
(B)(2) of this section, within thirty days after the mailing of 32130  
the notice, notifies the director of ~~his~~ the recipient's intention 32131  
to return the property or portion thereof to compliance with the 32132  
applicable standards upon which issuance of the covenant was based 32133  
and enters into a compliance schedule agreement with the director, 32134  
the director, by issuance of an order as a final action under 32135  
Chapter 3745. of the Revised Code, shall revoke the covenant. The 32136  
compliance schedule agreement shall establish a reasonable period 32137  
of time for returning to compliance with those applicable 32138  
standards. 32139

(4) Upon finding that a person with whom ~~he~~ the director has 32140  
entered into a compliance schedule agreement under division (B)(3) 32141  
of this section has failed to return the property or portion 32142  
thereof to which the agreement pertains to compliance with the 32143  
applicable standards within the time established in the agreement, 32144  
the director, by issuance of an order as a final action under 32145  
Chapter 3745. of the Revised Code, shall revoke the covenant 32146  
applicable to the property or portion thereof. 32147

(C) The director shall deny a covenant not to sue as a final 32148  
action for any of the following reasons: 32149

(1) The no further action letter submitted on behalf of the 32150  
person seeking the covenant not to sue does not comply with 32151  
section 3746.11 of the Revised Code and any rules adopted under 32152  
this chapter regarding no further action letters; 32153

(2) The director determines from information available to ~~him~~ 32154  
to the director that a remedy identified in the no further action 32155  
letter does not protect public health and safety and the 32156  
environment; 32157

(3) The no further action letter was submitted fraudulently. 32158

(D) The director shall not revoke a covenant not to sue 32159  
issued for property for which a voluntary action was conducted in 32160  
accordance with standards and procedures ~~established in section~~ 32161  
~~3746.07~~ that applied prior to the adoption of rules under section 32162  
3746.04 of the Revised Code solely on the basis that the voluntary 32163  
action was conducted in accordance with those standards and 32164  
procedures. 32165

(E) Unless a covenant not to sue issued under this section is 32166  
revoked through the operation of a provision of the covenant 32167  
described in division (A)(2)(c) of this section, or under division 32168  
(B) of this section, division (B)(2) of section 3746.18 of the 32169  
Revised Code, or division (B) of section 3746.19 of the Revised 32170  
Code, the covenant shall remain effective as long as the property 32171  
complies with the applicable standards that were in effect when 32172  
the person who undertook the voluntary action submitted the 32173  
information and demonstrations required under division (C) of 32174  
section 3746.10 of the Revised Code to the certified professional 32175  
who prepared the no further action letter regardless of whether 32176  
amendments to the rules adopted under division (B)(1) or (2) of 32177  
section 3746.04 of the Revised Code that became effective after 32178  
that time altered the generic numerical clean-up standards for a 32179  
contaminant addressed by the voluntary action or the procedures or 32180  
levels of acceptable risk that govern the property-specific risk 32181  
assessments conducted in lieu of compliance with generic numerical 32182  
standards. 32183

**Sec. 3746.13.** (A) For property that does not involve the 32184  
issuance of a consolidated standards permit under section 3746.15 32185  
of the Revised Code and where no remedial activities for which 32186  
there is a required operation and maintenance agreement or an 32187  
environmental covenant under this chapter or sections 5301.80 to 32188

5301.92 of the Revised Code, as applicable, are used to comply 32189  
with applicable standards, the director of environmental 32190  
protection shall issue a covenant not to sue pursuant to section 32191  
3746.12 of the Revised Code by issuance of an order and as a final 32192  
action under Chapter 3745. of the Revised Code within thirty days 32193  
after the director receives the no further action letter for the 32194  
property from the certified professional who prepared the letter 32195  
under section 3746.11 of the Revised Code. 32196

(B) For property that involves the issuance of a consolidated 32197  
standards permit under section 3746.15 of the Revised Code or 32198  
where remedial activities for which there is a required operation 32199  
and maintenance agreement or an environmental covenant under this 32200  
chapter or sections 5301.80 to 5301.92 of the Revised Code, as 32201  
applicable, are used to comply with applicable standards, the 32202  
director shall issue a covenant not to sue pursuant to section 32203  
3746.12 of the Revised Code by issuance of an order and as a final 32204  
action under Chapter 3745. of the Revised Code within ninety days 32205  
after the director receives the no further action letter for the 32206  
property from the certified professional who prepared the letter 32207  
and enters into an environmental covenant regarding the property, 32208  
if applicable. 32209

(C) Except as provided in division (D) of this section, each 32210  
person who is issued a covenant not to sue under this section 32211  
shall pay the fee established pursuant to rules adopted under 32212  
division ~~(B)(8)~~(B)(7) of section 3746.04 of the Revised Code. 32213  
Until those rules become effective, each person who is issued a 32214  
covenant not to sue shall pay a fee of two thousand dollars. The 32215  
fee shall be paid to the director at the time that the no further 32216  
action letter and accompanying verification are submitted to the 32217  
director. 32218

(D) An applicant, as defined in section 122.65 of the Revised 32219  
Code, who has entered into an agreement under section 122.653 of 32220

the Revised Code and who is issued a covenant not to sue under 32221  
this section shall not be required to pay the fee for the issuance 32222  
of a covenant not to sue established in rules adopted under 32223  
division ~~(B)(8)~~(B)(7) of section 3746.04 of the Revised Code. 32224

**Sec. 3746.17.** (A) The director of environmental protection 32225  
shall conduct audits in connection with no further action letters 32226  
issued under section 3746.11 of the Revised Code for all of the 32227  
following purposes: 32228

(1) Determining whether after completion of the voluntary 32229  
actions under this chapter and rules adopted under it, the 32230  
properties where the voluntary actions were conducted meet 32231  
applicable standards; 32232

(2) Reviewing the qualifications of and work performed by 32233  
certified professionals under the voluntary action program to 32234  
ascertain whether they possess the qualifications for 32235  
certification pursuant to rules adopted under division (B)(5) of 32236  
section 3746.04 of the Revised Code and whether their performance 32237  
under the program has resulted in the issuance of no further 32238  
action letters that are not consistent with applicable standards; 32239

(3) Reviewing ~~the qualifications of and~~ work performed by 32240  
certified laboratories or accredited laboratories in connection 32241  
with the voluntary action program, and inspecting the facilities 32242  
of ~~certified~~ those laboratories to ascertain whether ~~they possess~~ 32243  
~~the qualifications for certification pursuant to rules adopted~~ 32244  
~~under division (B)(6) of section 3746.04 of the Revised Code and~~ 32245  
~~whether~~ their performance in connection with the program has 32246  
resulted in the issuance of no further action letters that are not 32247  
consistent with applicable standards. 32248

An audit may be conducted for any of the purposes identified 32249  
in divisions (A)(1) to (3) of this section or for any combination 32250  
of those purposes. 32251

(B) ~~Commencing one year after the effective date of this~~ 32252  
~~section, the~~ The director annually shall conduct in connection 32253  
with the no further action letters submitted to ~~him~~ the director 32254  
during the preceding calendar year under section 3746.11 of the 32255  
Revised Code audits of not less than twenty-five per cent of the 32256  
letters pertaining ~~the~~ to voluntary actions that involved remedial 32257  
activities and not less than twenty-five per cent of the letters 32258  
pertaining to voluntary actions that did not involve remedial 32259  
activities. Audits conducted pursuant to contracts entered into 32260  
under division ~~(E)~~(D) of this section or division (B) of section 32261  
3745.01 of the Revised Code shall be included in determining the 32262  
number of audits conducted by the director during the year in 32263  
which the audits were conducted. 32264

(C) ~~Except as provided in division (D) of this section, the~~ 32265  
The director shall select the no further action letters to be 32266  
audited under this section in accordance with the selection 32267  
criteria established in rules adopted under division ~~(B)(9)~~(B)(8) 32268  
of section 3746.04 of the Revised Code. Any such audit shall be 32269  
conducted in accordance with the rules adopted under that 32270  
division. 32271

(D) ~~Prior to the adoption of rules under section 3746.04 of~~ 32272  
~~the Revised Code, the director may conduct audits in connection~~ 32273  
~~with no further action letters issued under section 3746.11 of the~~ 32274  
~~Revised Code in order to determine if the relevant properties,~~ 32275  
~~certified professionals, certified laboratories, or any~~ 32276  
~~combination of them comply with the standards established in~~ 32277  
~~section 3746.07 of the Revised Code.~~ 32278

~~(E)~~ The director may enter into contracts to have audits 32279  
conducted under this section in accordance with rules adopted 32280  
under division ~~(B)(9)~~(B)(8) of section 3746.04 of the Revised 32281  
Code. The director shall not select as a contractor to conduct 32282  
audits under this section a person who meets any of the following: 32283

<del>(a)</del> (1) Undertook the voluntary action in connection with which the audit is to be performed;	32284 32285
<del>(b)</del> (2) Is employed by, affiliated with, or related to the person who undertook the voluntary action in connection with which the audit is to be performed or was employed by or affiliated with that person during the year preceding the date that the audit is to be conducted;	32286 32287 32288 32289 32290
<del>(c)</del> (3) Served as the certified professional who issued the no further action letter for the voluntary action in connection with which the audit is to be performed or is employed by, affiliated with, or related to the person who served as the certified professional or was employed by or affiliated with that person during the year preceding the date that the audit is to be conducted;	32291 32292 32293 32294 32295 32296 32297
<del>(d)</del> (4) Performed or reviewed, or <del>his</del> <u>the person's</u> employer performed or reviewed, any work that was conducted to support the request for the no further action letter in connection with which the audit is to be performed;	32298 32299 32300 32301
<del>(e)</del> (5) Served as a certified <u>laboratory or accredited</u> laboratory that performed any analyses that formed the basis for the issuance of the no further action letter in connection with which the audit is to be performed, is employed by, affiliated with, or related to the person who served as such a certified <u>laboratory or accredited</u> laboratory, or was employed by or affiliated with that person during the year preceding the date that the audit is to be conducted.	32302 32303 32304 32305 32306 32307 32308 32309
<b>Sec. 3746.18.</b> (A) The director of environmental protection may request a certified professional or certified laboratory <u>or accredited laboratory</u> to provide <del>to him</del> <u>the director</u> documents and data for the purposes of verifying the qualifications of the professional or laboratory or auditing the performance of the	32310 32311 32312 32313 32314

professional or laboratory in connection with voluntary actions 32315  
conducted under this chapter and rules adopted under it or may 32316  
request any other person who performed work that was conducted to 32317  
support a request for a no further action letter as provided in 32318  
division (B)(2) of section 3746.10 of the Revised Code to submit 32319  
documents and data relating to the no further action letter. 32320

No person shall fail to comply with a request made under this 32321  
division. 32322

(B) In addition to any other remedy provided by law, the 32323  
director may do either or both of the following in connection with 32324  
a violation of division (A) of this section: 32325

(1) Permanently revoke the certification of the certified 32326  
professional ~~or certified laboratory~~ in accordance with rules 32327  
adopted under division (B)(5)(g) ~~or (B)(6)(f)~~ of section 3746.04 32328  
of the Revised Code, as applicable; 32329

(2) Revoke any covenant not to sue issued under section 32330  
3746.12 of the Revised Code pertaining to the director's request 32331  
for information under division (A) of this section. 32332

Nothing in division (B)(2) of this section precludes a person 32333  
whose covenant not to sue was revoked under that division from 32334  
having a new no further action letter prepared regarding the 32335  
relevant property and issued under section 3746.11 of the Revised 32336  
Code by another certified professional, or using another ~~certified~~ 32337  
accredited laboratory, for the purpose of obtaining a new covenant 32338  
not to sue for the property. 32339

**Sec. 3746.19.** (A) If the director of environmental protection 32340  
finds that the performance of a certified professional or 32341  
certified laboratory has resulted in the issuance of no further 32342  
action letters under section 3746.11 of the Revised Code that are 32343  
not consistent with applicable standards, ~~he~~ the director shall 32344

notify persons for whom the certified professional or certified laboratory has performed work in connection with a voluntary action of ~~his~~ those findings. 32345  
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32347

(B) The director, in accordance with the criteria and procedures established in rules adopted under division ~~(B)(9)~~ (B)(8) of section 3746.04 of the Revised Code, may conduct an audit of any property for which a covenant not to sue was issued under section 3746.12 of the Revised Code based upon a no further action letter issued under section 3746.11 of the Revised Code that was prepared by a certified professional whose certification was subsequently suspended or revoked under this chapter and rules adopted under it or based upon a no further action letter for a voluntary action for which analyses were performed by a certified laboratory for which the certification was ~~subsequently~~ suspended or revoked ~~under this chapter and rules adopted under it~~ before the effective date of this amendment. 32348  
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If, after such an audit, the director finds that the property does not comply with applicable standards, ~~he~~ the director shall proceed in accordance with divisions (B)(2) through (4) of section 3746.12 of the Revised Code. 32361  
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32363  
32364

**Sec. 3746.20.** (A) All of the following shall be submitted by affidavit: 32365  
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(1) Any information, data, documents, or reports submitted by any of the following to another person for the purposes of a voluntary action conducted under this chapter and rules adopted under it: 32367  
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32369  
32370

(a) The person undertaking the voluntary action; 32371

(b) A certified professional; 32372

(c) Any other person who performed work that was conducted to support a request for a no further action letter as provided in 32373  
32374

division (B)(2) of section 3746.10 of the Revised Code; 32375

(d) A certified laboratory; 32376

(e) An accredited laboratory. 32377

(2) Any information submitted by an environmental 32378  
professional to the director of environmental protection for the 32379  
purposes of complying with rules adopted under division (B)(5)(a) 32380  
or (c) of section 3746.04 of the Revised Code ~~or with division (D)~~ 32381  
~~of section 3746.07 of the Revised Code;~~ 32382

~~(3) Any information submitted by a laboratory for the 32383  
purposes of complying with rules adopted under division (B)(6)(a)~~ 32384  
~~or (b) of section 3746.04 of the Revised Code;~~ 32385

~~(4) The verification of eligible costs associated with a 32386  
voluntary action submitted by a certified professional to the 32387  
director of development pursuant to section 3746.121 of the 32388  
Revised Code.~~ 32389

(B) No person shall materially falsify, tamper with, or 32390  
render inaccurate any information, data, documents, or reports 32391  
generated for the purposes of or used in documenting or preparing 32392  
a no further action letter under this chapter or rules adopted 32393  
under it or verification of eligible costs under section 3746.121 32394  
of the Revised Code. 32395

Violation of this division is not falsification under section 32396  
2921.13 of the Revised Code. 32397

(C) In accordance with rules adopted under division (B)(5)(f) 32398  
of section 3746.04 of the Revised Code, the director permanently 32399  
shall revoke the certification of a certified professional who 32400  
violates division (B) of this section. 32401

(D) No person, with purpose to deceive a certified 32402  
professional, ~~certified~~ accredited laboratory, or a contractor 32403  
thereof, or the environmental protection agency or a contractor 32404

thereof, shall withhold, conceal, or destroy any data, 32405  
information, records, or documents relating to a voluntary action. 32406

**Sec. 3746.21. (A)** In addition to the authority established in 32407  
sections 3746.18, 3746.19, and 3746.20 of the Revised Code, the 32408  
director of environmental protection or ~~his~~ the director's 32409  
authorized representative, upon proper identification and upon 32410  
stating the necessity and purpose of an inspection, may enter at 32411  
reasonable times upon any of the following: 32412

(1) Any public or private property at which a voluntary 32413  
action has been or is being conducted under this chapter and rules 32414  
adopted under it; ~~upon any~~ 32415

(2) Any public or private property, real or personal, that is 32416  
owned or operated by a person who is participating or has 32417  
participated in the voluntary action program under this chapter 32418  
and rules adopted under it where data, information, records, or 32419  
documents relating to the person's participation in the voluntary 32420  
action program are kept; ~~or upon any~~ 32421

(3) Any public or private property, real or personal, upon 32422  
which is located a certified laboratory, accredited laboratory, or 32423  
the offices of a certified professional, ~~to inspect.~~ 32424

(B) The director or the director's authorized representative 32425  
may enter upon any property described in division (A) of this 32426  
section to do any of the following: 32427

(1) Inspect the credentials of the certified professional or 32428  
the credentials and facilities of the certified laboratory or 32429  
accredited laboratory; ~~to examine~~ 32430

To examine or copy data, information, records, or documents 32431  
relating to the evaluation, investigation, or remediation of 32432  
properties under this chapter and rules adopted under it or to 32433  
compliance with a consolidated standards permit issued under 32434

section 3746.15 of the Revised Code; ~~or to obtain~~ 32435

(3) Obtain samples of soil, water, or other environmental 32436  
media at properties where voluntary actions have been or are being 32437  
conducted under this chapter and rules adopted under it. 32438

(C) The director or ~~his~~ the director's authorized 32439  
representative may apply for and any judge of a court of record 32440  
may issue an administrative inspection warrant under division (F) 32441  
of section 2933.21 of the Revised Code, or other appropriate 32442  
search warrant, necessary to achieve the purposes of this chapter 32443  
within the court's territorial jurisdiction. 32444

**Sec. 3746.31.** Upon the written request of any person for 32445  
information, documents, reports, or data described on a list 32446  
submitted to the director of environmental protection pursuant to 32447  
~~division (F) of section 3746.07 of the Revised Code or rules~~ 32448  
adopted under division ~~(B)(7)(e)~~ (B)(6)(e) of section 3746.04 of 32449  
the Revised Code, as applicable, the director, within a reasonable 32450  
period of time after receipt of the request, shall provide copies 32451  
of the requested materials to the person. If the requested 32452  
materials are not on file in the offices of the environmental 32453  
protection agency, the director, promptly after receipt of the 32454  
request, shall send a written request to the certified 32455  
professional who submitted the list pursuant to that division or 32456  
those rules to submit the requested materials to the director 32457  
within a specified reasonable period of time. The certified 32458  
professional shall submit the requested materials to the director 32459  
within the time specified in the director's request. Within a 32460  
reasonable period of time after the director receives the 32461  
requested materials from the certified professional, the director 32462  
shall provide copies of them, at cost, to the person who requested 32463  
them and shall retain the originals in the agency's files. 32464

**Sec. 3746.35.** (A) Not later than ~~September 1, 1996, and not~~ 32465  
~~later than~~ the first day of September of each ~~subsequent~~ year, the 32466  
director of environmental protection shall prepare and submit to 32467  
the chairpersons of the respective standing committees of the 32468  
senate and house of representatives primarily responsible for 32469  
considering environmental and taxation matters a report regarding 32470  
the voluntary action program established under this chapter and 32471  
rules adopted under it and the tax abatements granted pursuant to 32472  
sections 5709.87 and 5709.88 of the Revised Code for properties 32473  
where voluntary actions were conducted. Each annual report shall 32474  
include, without limitation, all of the following: 32475

(1) Both of the following for each property for which a 32476  
covenant not to sue was issued under section 3746.12 of the 32477  
Revised Code during the preceding calendar year: 32478

(a) The address of the property and name of the person who 32479  
undertook the voluntary action at the property; 32480

(b) Whether the applicable standards governing the voluntary 32481  
action were the ~~interim standards established in section 3746.07~~ 32482  
~~of the Revised Code or the~~ generic numerical clean-up standards 32483  
established in rules adopted under division (B)(1) of section 32484  
3746.04 of the Revised Code or the interim standards that applied 32485  
prior to the adoption of rules under that section, were 32486  
established through the performance of a risk assessment pursuant 32487  
to rules adopted under division (B)(2) of section 3746.04 of the 32488  
Revised Code, or were set forth in a variance issued under section 32489  
3746.09 of the Revised Code. 32490

(2) All of the following for each property for which a 32491  
variance was issued under section 3746.09 of the Revised Code 32492  
during the preceding calendar year: 32493

(a) The address of the property and the name of the person to 32494  
whom the variance was issued; 32495

(b) A summary of the alternative standards and terms and conditions of the variance and brief description of the improvement in environmental conditions at the property that is anticipated to result from compliance with the alternative standards and terms and conditions set forth in the variance;

(c) A brief description of the economic benefits to the person to whom the variance was issued and the community in which the property is located that are anticipated to result from the undertaking of the voluntary action in compliance with the alternative standards and terms and conditions set forth in the variance.

(3) The number of audits performed under section 3746.17 of the Revised Code during the preceding calendar year and, in connection with each of them, at least the following information:

(a) The address of the property in connection with which the audit was performed and the name of the person who undertook the voluntary action at the property;

(b) An indication as to whether the audit was a random audit or was conducted in accordance with the priorities established in rules adopted under divisions (A)(9)(a) to (f) of section 3746.04 of the Revised Code and, if the audit was conducted in accordance with those priorities, an indication as to which of them resulted in the selection of the voluntary action for an audit;

(c) A brief summary of the findings of the audit and any action taken by the environmental protection agency as a result of those findings.

(4) The number of covenants not to sue revoked during the preceding calendar year through the operation of divisions (A)(2)(c) and (B) of section 3746.12, division (B)(2) of section 3746.18, and division (B) of section 3746.19 of the Revised Code and for each property for which a covenant was revoked, at least

both of the following: 32527

(a) The address of the property affected by the revocation 32528  
and name of the person who undertook the voluntary action at the 32529  
property; 32530

(b) The reason for the revocation. 32531

(5) The amount of money credited to the voluntary action 32532  
administration fund created in section 3746.16 of the Revised Code 32533  
during the preceding fiscal year from the fees established in 32534  
~~divisions (D) and (H) of section 3746.07 and~~ division (C) of 32535  
section 3746.13 of the Revised Code and from civil penalties 32536  
imposed under section 3746.22 of the Revised Code. The report 32537  
shall indicate the amount of money that arose from each of the 32538  
fees and from the civil penalties. The report also shall include 32539  
the amount of money expended from the fund during the preceding 32540  
fiscal year by program category, including, without limitation, 32541  
the amount expended for conducting audits under section 3746.17 of 32542  
the Revised Code during the preceding fiscal year. 32543

(6) For each property that is receiving a tax abatement under 32544  
section 5709.87 of the Revised Code for the preceding tax year, 32545  
the amount of the valuation exempted from real property taxation 32546  
for that tax year under that section. In order to comply with 32547  
division (A)(6) of this section, the director shall include in the 32548  
annual report the report required under division (B)(2) of this 32549  
section. 32550

(7) For each property that is receiving a tax abatement 32551  
pursuant to an agreement with a municipal corporation or county 32552  
entered into under section 5709.88 of the Revised Code, the amount 32553  
of the valuation exempted from real or personal property taxation. 32554  
In order to comply with division (A)(7) of this section, the 32555  
director shall include in the annual report the report required 32556  
under division (C) of this section. 32557

(B)(1) Not later than ~~the thirty-first day of~~ March 31, 1996 32558  
~~of each year,~~ the county auditor of each county in which is 32559  
located any property that ~~is receiving~~ received a tax abatement 32560  
under section 5709.87 of the Revised Code for the preceding tax 32561  
year shall report to the director of environmental protection for 32562  
each such property both of the following as applicable ~~to tax year~~ 32563  
~~1995:~~ 32564

(a) The address of the property and the name of the owner as 32565  
stated in the records of the county auditor of the county in which 32566  
the property is located; 32567

(b) The amount of the valuation of the property that was 32568  
exempted from real property taxation under that section. 32569

~~Not later than the thirty first day of March of each~~ 32570  
~~subsequent year, each such county auditor shall report the~~ 32571  
~~information described in those divisions to the director of~~ 32572  
~~environmental protection for each property within the county that~~ 32573  
~~is receiving a tax abatement under that section for the preceding~~ 32574  
~~tax year.~~ 32575

(2) Not later than ~~July 1, 1996, and not later than~~ the first 32576  
day of July of each ~~subsequent~~ year, the director of environmental 32577  
protection shall compile the information provided to the director 32578  
under division (B)(1) of this section applicable to the preceding 32579  
tax year into a report covering all of the counties in the state 32580  
in which are located properties receiving a tax abatement under 32581  
section 5709.87 of the Revised Code for the preceding tax year. 32582

(C) Not later than ~~July 1, 1996, and not later than~~ the first 32583  
day of July of each ~~subsequent~~ year, the director of environmental 32584  
protection shall compile the information provided to the director 32585  
by municipal corporations and counties under division (A) of 32586  
section 5709.882 of the Revised Code applicable to the preceding 32587  
calendar year into a report covering, by county, all of the 32588

municipal corporations and counties in this state in which are 32589  
located properties receiving a tax abatement pursuant to an 32590  
agreement entered into under section 5709.88 of the Revised Code. 32591

**Sec. 3770.073.** (A) If a person is entitled to a lottery prize 32592  
award and is indebted to the state for the payment of any tax, 32593  
workers' compensation premium, unemployment contribution, payment 32594  
in lieu of unemployment contribution, certified claim under 32595  
section 131.02 or 131.021 of the Revised Code, or is indebted to a 32596  
political subdivision that has a certified claim under section 32597  
131.02 of the Revised Code, lottery sales receipts held in trust 32598  
on behalf of the state lottery commission as described in division 32599  
(G)(4) of section 3770.05 of the Revised Code, or charge, penalty, 32600  
or interest arising from these debts and if the amount of the 32601  
prize money or the cost of goods or services awarded as a lottery 32602  
prize award ~~is five thousand dollars or more~~ meets or exceeds the 32603  
reportable winnings amount set by 26 U.S.C. 6041, the director of 32604  
the state lottery commission, or the director's designee, shall do 32605  
either of the following: 32606

(1) If the prize award will be paid in a lump sum, deduct 32607  
from the prize award and pay to the attorney general an amount in 32608  
satisfaction of the debt and pay any remainder to that person. If 32609  
the amount of the prize award is less than the amount of the debt, 32610  
the entire amount of the prize award shall be deducted and paid in 32611  
partial satisfaction of the debt. 32612

(2) If the prize award will be paid in annual installments, 32613  
on the date the initial installment payment is due, deduct from 32614  
that installment and pay to the attorney general an amount in 32615  
satisfaction of the debt and, if necessary to collect the full 32616  
amount of the debt, do the same for any subsequent annual 32617  
installments, at the time the installments become due and owing to 32618  
the person, until the debt is fully satisfied. 32619

(B) If a person entitled to a lottery prize award owes more than one debt, any debt owed to the state shall be satisfied first, subject to both section 5739.33 and division (G) of section 5747.07 of the Revised Code having first priority, and subject to division (C) of this section.

(C) Any debt owed under section 3770.071 of the Revised Code shall be satisfied with first priority over debts owed under this section.

(D) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final.

**Sec. 3772.01.** As used in this chapter:

(A) "Applicant" means any person who applies to the commission for a license under this chapter.

(B) "Casino control commission fund" means the casino control commission fund described in Section 6(C)(3)(d) of Article XV, Ohio Constitution, the money in which shall be used to fund the commission and its related affairs.

(C) "Casino facility" means a casino facility as defined in Section 6(C)(9) of Article XV, Ohio Constitution.

(D) "Casino game" means any slot machine or table game as defined in this chapter.

(E) "Casino gaming" means any type of slot machine or table game wagering, using money, casino credit, or any representative of value, authorized in any of the states of Indiana, Michigan, Pennsylvania, and West Virginia as of January 1, 2009, and includes slot machine and table game wagering subsequently authorized by, but shall not be limited by, subsequent restrictions placed on such wagering in such states. "Casino gaming" does not include bingo, as authorized in Section 6 of Article XV, Ohio Constitution and conducted as of January 1, 2009,

or horse racing where the pari-mutuel system of wagering is 32650  
conducted, as authorized under the laws of this state as of 32651  
January 1, 2009. 32652

(F) "Casino gaming employee" means any employee of a casino 32653  
operator or management company, but not a key employee, and as 32654  
further defined in section 3772.131 of the Revised Code. 32655

(G) "Casino operator" means any person, trust, corporation, 32656  
partnership, limited partnership, association, limited liability 32657  
company, or other business enterprise that directly or indirectly 32658  
holds an ownership or leasehold interest in a casino facility. 32659  
"Casino operator" does not include an agency of the state, any 32660  
political subdivision of the state, any person, trust, 32661  
corporation, partnership, limited partnership, association, 32662  
limited liability company, or other business enterprise that may 32663  
have an interest in a casino facility, but who is legally or 32664  
contractually restricted from conducting casino gaming. 32665

(H) "Central system" means a computer system that provides 32666  
the following functions related to casino gaming equipment used in 32667  
connection with casino gaming authorized under this chapter: 32668  
security, auditing, data and information retrieval, and other 32669  
purposes deemed necessary and authorized by the commission. 32670

(I) "Cheat" means to alter the result of a casino game, the 32671  
element of chance, the operation of a machine used in a casino 32672  
game, or the method of selection of criteria that determines (a) 32673  
the result of the casino game, (b) the amount or frequency of 32674  
payment in a casino game, (c) the value of a wagering instrument, 32675  
or (d) the value of a wagering credit. "Cheat" does not include an 32676  
individual who, without the assistance of another individual or 32677  
without the use of a physical aid or device of any kind, uses the 32678  
individual's own ability to keep track of the value of cards 32679  
played and uses predictions formed as a result of the tracking 32680  
information in the individual's playing and betting strategy. 32681

(J) "Commission" means the Ohio casino control commission.	32682
(K) "Gaming agent" means a peace officer employed by the	32683
commission that is vested with duties to enforce this chapter and	32684
conduct other investigations into the conduct of the casino gaming	32685
and the maintenance of the equipment that the commission considers	32686
necessary and proper and is in compliance with section 109.77 of	32687
the Revised Code.	32688
(L) "Gaming-related vendor" means any individual,	32689
partnership, corporation, association, trust, or any other group	32690
of individuals, however organized, who supplies gaming-related	32691
equipment, goods, or services to a casino operator or management	32692
company, that are directly related to or affect casino gaming	32693
authorized under this chapter, including, but not limited to, the	32694
manufacture, sale, distribution, or repair of slot machines and	32695
table game equipment.	32696
(M) "Holding company" means any corporation, firm,	32697
partnership, limited partnership, limited liability company,	32698
trust, or other form of business organization not a natural person	32699
which directly or indirectly does any of the following:	32700
(1) Has the power or right to control a casino operator,	32701
management company, or gaming-related vendor license applicant or	32702
licensee;	32703
(2) Holds an ownership interest of five per cent or more, as	32704
determined by the commission, in a casino operator, management	32705
company, or gaming-related vendor license applicant or licensee;	32706
(3) Holds voting rights with the power to vote five per cent	32707
or more of the outstanding voting rights of a casino operator,	32708
management company, or gaming-related vendor applicant or	32709
licensee.	32710
(N) "Initial investment" includes costs related to	32711
demolition, engineering, architecture, design, site preparation,	32712

construction, infrastructure improvements, land acquisition, 32713  
fixtures and equipment, insurance related to construction, and 32714  
leasehold improvements. 32715

(O) "Institutional investor" means any of the following 32716  
entities owning five per cent or more, but less than fifteen per 32717  
cent, of an ownership interest in a casino facility, casino 32718  
operator, management company, or holding company: a corporation, 32719  
bank, insurance company, pension fund or pension fund trust, 32720  
retirement fund, including funds administered by a public agency, 32721  
employees' profit-sharing fund or employees' profit-sharing trust, 32722  
any association engaged, as a substantial part of its business or 32723  
operations, in purchasing or holding securities, including a hedge 32724  
fund, mutual fund, or private equity fund, or any trust in respect 32725  
of which a bank is trustee or cotrustee, investment company 32726  
registered under the "Investment Company Act of 1940," 15 U.S.C. 32727  
80a-1 et seq., collective investment trust organized by banks 32728  
under Part Nine of the Rules of the Comptroller of the Currency, 32729  
closed-end investment trust, chartered or licensed life insurance 32730  
company or property and casualty insurance company, investment 32731  
advisor registered under the "Investment Advisors Act of 1940," 15 32732  
U.S.C. 80 b-1 et seq., and such other persons as the commission 32733  
may reasonably determine to qualify as an institutional investor 32734  
for reasons consistent with this chapter, and that does not 32735  
exercise control over the affairs of a licensee and its ownership 32736  
interest in a licensee is for investment purposes only, as set 32737  
forth in division (E) of section 3772.10 of the Revised Code. 32738

(P) "Key employee" means any executive, employee, agent, or 32739  
other individual who has the power to exercise significant 32740  
influence over decisions concerning any part of the operation of a 32741  
person that has applied for or holds a casino operator, management 32742  
company, or gaming-related vendor license or the operation of a 32743  
holding company of a person that has applied for or holds a casino 32744

operator, management company, or gaming-related vendor license,	32745
including:	32746
(1) An officer, director, trustee, partner, or an equivalent	32747
fiduciary;	32748
(2) An individual who holds a direct or indirect ownership	32749
interest of five per cent or more;	32750
(3) An individual who performs the function of a principal	32751
executive officer, principal operating officer, principal	32752
accounting officer, or an equivalent officer;	32753
(4) Any other individual the commission determines to have	32754
the power to exercise significant influence over decisions	32755
concerning any part of the operation.	32756
(Q) "Licensed casino operator" means a casino operator that	32757
has been issued a license by the commission and that has been	32758
certified annually by the commission to have paid all applicable	32759
fees, taxes, and debts to the state.	32760
(R) "Majority ownership interest" in a license or in a casino	32761
facility, as the case may be, means ownership of more than fifty	32762
per cent of such license or casino facility, as the case may be.	32763
For purposes of the foregoing, whether a majority ownership	32764
interest is held in a license or in a casino facility, as the case	32765
may be, shall be determined under the rules for constructive	32766
ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as	32767
in effect on January 1, 2009.	32768
(S) "Management company" means an organization retained by a	32769
casino operator to manage a casino facility and provide services	32770
such as accounting, general administration, maintenance,	32771
recruitment, and other operational services.	32772
(T) "Ohio law enforcement training fund" means the state law	32773
enforcement training fund described in Section 6(C)(3)(f) of	32774

Article XV, Ohio Constitution, the money in which shall be used to 32775  
enhance public safety by providing ~~additional~~ training 32776  
opportunities to the law enforcement community. 32777

(U) "Person" includes, but is not limited to, an individual 32778  
or a combination of individuals; a sole proprietorship, a firm, a 32779  
company, a joint venture, a partnership of any type, a joint-stock 32780  
company, a corporation of any type, a corporate subsidiary of any 32781  
type, a limited liability company, a business trust, or any other 32782  
business entity or organization; an assignee; a receiver; a 32783  
trustee in bankruptcy; an unincorporated association, club, 32784  
society, or other unincorporated entity or organization; entities 32785  
that are disregarded for federal income tax purposes; and any 32786  
other nongovernmental, artificial, legal entity that is capable of 32787  
engaging in business. 32788

(V) "Problem casino gambling and addictions fund" means the 32789  
state problem gambling and addictions fund described in Section 32790  
6(C)(3)(g) of Article XV, Ohio Constitution, the money in which 32791  
shall be used for treatment of problem gambling and substance 32792  
abuse, and for related research. 32793

(W) "Promotional gaming credit" means a slot machine or table 32794  
game credit, discount, or other similar item issued to a patron to 32795  
enable the placement of, or increase in, a wager at a slot machine 32796  
or table game. 32797

(X) "Slot machine" means any mechanical, electrical, or other 32798  
device or machine which, upon insertion of a coin, token, ticket, 32799  
or similar object, or upon payment of any consideration, is 32800  
available to play or operate, the play or operation of which, 32801  
whether by reason of the skill of the operator or application of 32802  
the element of chance, or both, makes individual prize 32803  
determinations for individual participants in cash, premiums, 32804  
merchandise, tokens, or any thing of value, whether the payoff is 32805  
made automatically from the machine or in any other manner, but 32806

does not include any device that is a skill-based amusement machine, as defined in section 2915.01 of the Revised Code. 32807  
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(Y) "Table game" means any game played with cards, dice, or any mechanical, electromechanical, or electronic device or machine for money, casino credit, or any representative of value. "Table game" does not include slot machines. 32809  
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(Z) "Upfront license" means the first plenary license issued to a casino operator. 32813  
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(AA) "Voluntary exclusion program" means a program provided by the commission that allows persons to voluntarily exclude themselves from the gaming areas of facilities under the jurisdiction of the commission by placing their name on a voluntary exclusion list and following the procedures set forth by the commission. 32815  
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Sec. 3772.37. (A) Pursuant to section 131.02 of the Revised Code, the attorney general shall develop and implement a real time data match program and make it available to each casino operator and management company to identify patrons who owe amounts to the state or a political subdivision. 32821  
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(B)(1) Before disbursing any casino winnings to a patron that meet or exceed the reportable winnings amount set by 26 U.S.C. 6041, a casino operator or management company shall consult the data match program to determine whether the patron owes any amounts to the state or a political subdivision. If the data match program indicates that the patron owes any amounts to the state or a political subdivision, the casino operator or management company shall withhold from the patron's winnings an amount sufficient to satisfy those amounts, up to the amount of the winnings. 32826  
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(2) If the data match program described in section 3123.90 of the Revised Code indicates that the patron also is in default 32835  
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under a support order, the casino operator or management company shall transmit to the department of job and family services an amount sufficient to satisfy any past due support owed by the patron, up to the amount of the winnings, before transmitting any remaining amount to the attorney general under division (C) of this section. 32837  
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(C)(1) Not later than seven days after withholding an amount under division (B) of this section, the casino operator or management company shall transmit to the attorney general any amount withheld and not already disbursed to the department of job and family services under section 3123.90 of the Revised Code as payment on the amount owed. 32843  
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(2) If the patron owes more than one amount to the state or a political subdivision as identified by the data match program described in this section, the amount owed to the state shall be satisfied first, except that any amounts owed under section 5739.33 and division (G) of section 5747.07 of the Revised Code shall have first priority. 32849  
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(D) Except as otherwise provided in section 131.021 of the Revised Code, this section applies only to amounts owed that have become final. 32855  
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(E) The attorney general, in consultation with the commission, may adopt rules under Chapter 119. of the Revised Code as necessary to implement this section. 32858  
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**Sec. 3791.07.** (A) The ~~board of building standards~~ may superintendent of industrial compliance shall establish such reasonable inspection fee schedules as ~~it~~ the superintendent determines necessary or desirable relating to the inspection of all plans and specifications submitted for approval to the division of industrial compliance, and all industrialized units inspected at the point of origin and at the construction site of 32861  
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the building. The inspection fee schedule ~~established~~ shall be 32868  
adopted by rule, in accordance with Chapter 119. of the Revised 32869  
Code, and shall bear some reasonable relationship to the cost of 32870  
administering and enforcing the provisions of Chapters 3781. and 32871  
3791. of the Revised Code. 32872

(B) In addition to the fee assessed in division (A) of this 32873  
section, the board of building standards shall assess a fee of not 32874  
more than five dollars for each application for acceptance and 32875  
approval of plans and specifications and for making inspections 32876  
pursuant to section 3791.04 of the Revised Code. The board shall 32877  
adopt rules, in accordance with Chapter 119. of the Revised Code, 32878  
specifying the manner by which the superintendent of industrial 32879  
compliance shall collect and remit to the board the fees assessed 32880  
under this division and requiring that remittance of the fees be 32881  
made at least quarterly. 32882

(C) Any person who fails to pay an inspection fee required 32883  
for any inspection conducted by the department of commerce 32884  
pursuant to Chapters 3781. and 3791. of the Revised Code, except 32885  
for fees charged for the inspection of plans and specifications, 32886  
within forty-five days after the inspection is conducted, shall 32887  
pay a late payment fee equal to twenty-five per cent of the 32888  
inspection fee. 32889

(D) The board of building standards shall pay the fees 32890  
assessed under this section into the state treasury to the credit 32891  
of the industrial compliance operating fund created in section 32892  
121.084 of the Revised Code. 32893

**Sec. 3794.01. Definitions.** 32894

As used in this chapter: 32895

(A) "Smoking" means inhaling, exhaling, burning, or carrying 32896  
any lighted ~~cigar, cigarette, pipe, or other lighted smoking~~ 32897

~~device for burning tobacco or any other plant or heated tobacco~~ 32898  
~~product or plant product intended for inhalation in any manner or~~ 32899  
~~in any form. "Smoking" includes the use of an electronic smoking~~ 32900  
~~device and a vapor product, as those terms are defined in section~~ 32901  
~~2927.02 of the Revised Code. "Smoking" does not include the~~ 32902  
burning of incense in a religious ceremony. 32903

(B) "Public place" means an enclosed area to which the public 32904  
is invited or in which the public is permitted and that is not a 32905  
private residence. 32906

(C) "Place of employment" means an enclosed area under the 32907  
direct or indirect control of an employer that the employer's 32908  
employees use for work or any other purpose, including but not 32909  
limited to, offices, meeting rooms, sales, production and storage 32910  
areas, restrooms, stairways, hallways, warehouses, garages, and 32911  
vehicles. An enclosed area as described herein is a place of 32912  
employment without regard to the time of day or the presence of 32913  
employees. 32914

(D) "Employee" means a person who is employed by an employer, 32915  
or who contracts with an employer or third person to perform 32916  
services for an employer, or who otherwise performs services for 32917  
an employer for compensation or for no compensation. 32918

(E) "Employer" means the state or any individual, business, 32919  
association, political subdivision, or other public or private 32920  
entity, including a nonprofit entity, that employs or contracts 32921  
for or accepts the provision of services from one or more 32922  
employees. 32923

(F) "Enclosed Area" means an area with a roof or other 32924  
overhead covering of any kind and walls or side coverings of any 32925  
kind, regardless of the presence of openings for ingress and 32926  
egress, on all sides or on all sides but one. 32927

(G) "Proprietor" means an employer, owner, manager, operator, 32928

liquor permit holder, or person in charge or control of a public 32929  
place or place of employment. 32930

(H) "Retail tobacco store" means a retail establishment that 32931  
derives more than eighty ~~percent~~ per cent of its gross revenue 32932  
from the sale of cigars, cigarettes, pipes, or other smoking 32933  
devices for burning tobacco and related smoking accessories and in 32934  
which the sale of other products is merely incidental. "Retail 32935  
tobacco store" does not include a tobacco department or section of 32936  
a larger commercial establishment or of any establishment with a 32937  
liquor permit or of any restaurant. 32938

(I) "Outdoor patio" means an area that is either: enclosed by 32939  
a roof or other overhead covering and walls or side coverings on 32940  
not more than two sides; or has no roof or other overhead covering 32941  
regardless of the number of walls or other side coverings. 32942

**Sec. 3929.87.** Within ninety days of the occurrence of a fire 32943  
loss in excess of five thousand dollars to real or personal 32944  
property, the state fire marshal or any other person authorized to 32945  
make an investigation pursuant to section 3737.24 of the Revised 32946  
Code shall determine, to the extent practicable and in a manner 32947  
consistent with accepted standards of investigation, whether such 32948  
loss was caused by arson. 32949

**Sec. 4117.103.** Notwithstanding any provision of section 32950  
4117.08 or 4117.10 of the Revised Code to the contrary, no 32951  
agreement entered into under this chapter on or after September 32952  
29, 2005, shall prohibit a school district board of education from 32953  
utilizing volunteers to assist the district and its schools in 32954  
performing any of their functions, other than functions for which 32955  
a license, permit, ~~or~~ certificate, or registration issued by the 32956  
state board of education under section 3301.074 or Chapter 3319. 32957  
of the Revised Code or a certificate issued under division (A) or 32958

(B) of section 3327.10 of the Revised Code is required. 32959

**Sec. 4141.01.** As used in this chapter, unless the context 32960  
otherwise requires: 32961

(A)(1) "Employer" means the state, its instrumentalities, its 32962  
political subdivisions and their instrumentalities, Indian tribes, 32963  
and any individual or type of organization including any 32964  
partnership, limited liability company, association, trust, 32965  
estate, joint-stock company, insurance company, or corporation, 32966  
whether domestic or foreign, or the receiver, trustee in 32967  
bankruptcy, trustee, or the successor thereof, or the legal 32968  
representative of a deceased person who subsequent to December 31, 32969  
1971, or in the case of political subdivisions or their 32970  
instrumentalities, subsequent to December 31, 1973: 32971

(a) Had in employment at least one individual, or in the case 32972  
of a nonprofit organization, subsequent to December 31, 1973, had 32973  
not less than four individuals in employment for some portion of a 32974  
day in each of twenty different calendar weeks, in either the 32975  
current or the preceding calendar year whether or not the same 32976  
individual was in employment in each such day; or 32977

(b) Except for a nonprofit organization, had paid for service 32978  
in employment wages of fifteen hundred dollars or more in any 32979  
calendar quarter in either the current or preceding calendar year; 32980  
or 32981

(c) Had paid, subsequent to December 31, 1977, for employment 32982  
in domestic service in a local college club, or local chapter of a 32983  
college fraternity or sorority, cash remuneration of one thousand 32984  
dollars or more in any calendar quarter in the current calendar 32985  
year or the preceding calendar year, or had paid subsequent to 32986  
December 31, 1977, for employment in domestic service in a private 32987  
home cash remuneration of one thousand dollars in any calendar 32988

quarter in the current calendar year or the preceding calendar year: 32989  
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(i) For the purposes of divisions (A)(1)(a) and (b) of this section, there shall not be taken into account any wages paid to, or employment of, an individual performing domestic service as described in this division. 32991  
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(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A)(1)(a), (b), or (d) of this section. 32995  
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(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural labor; and 32999  
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(i) During any calendar quarter in the current calendar year or the preceding calendar year, paid cash remuneration of twenty thousand dollars or more for the agricultural labor; or 33002  
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(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 33005  
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(e) Is not otherwise an employer as defined under division (A)(1)(a) or (b) of this section; and 33014  
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(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, is or was performed with respect to which such employer is liable for 33016  
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any federal tax against which credit may be taken for 33020  
contributions required to be paid into a state unemployment fund; 33021

(ii) Which, as a condition for approval of this chapter for 33022  
full tax credit against the tax imposed by the "Federal 33023  
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 33024  
required, pursuant to such act to be an employer under this 33025  
chapter; or 33026

(iii) Who became an employer by election under division 33027  
(A)(4) or (5) of this section and for the duration of such 33028  
election; or 33029

(f) In the case of the state, its instrumentalities, its 33030  
political subdivisions, and their instrumentalities, and Indian 33031  
tribes, had in employment, as defined in divisions (B)(2)(a) and 33032  
(B)(2)(1) of this section, at least one individual; 33033

(g) For the purposes of division (A)(1)(a) of this section, 33034  
if any week includes both the thirty-first day of December and the 33035  
first day of January, the days of that week before the first day 33036  
of January shall be considered one calendar week and the days 33037  
beginning the first day of January another week. 33038

(2) Each individual employed to perform or to assist in 33039  
performing the work of any agent or employee of an employer is 33040  
employed by such employer for all the purposes of this chapter, 33041  
whether such individual was hired or paid directly by such 33042  
employer or by such agent or employee, provided the employer had 33043  
actual or constructive knowledge of the work. All individuals 33044  
performing services for an employer of any person in this state 33045  
who maintains two or more establishments within this state are 33046  
employed by a single employer for the purposes of this chapter. 33047

(3) An employer subject to this chapter within any calendar 33048  
year is subject to this chapter during the whole of such year and 33049  
during the next succeeding calendar year. 33050

(4) An employer not otherwise subject to this chapter who 33051  
files with the director of job and family services a written 33052  
election to become an employer subject to this chapter for not 33053  
less than two calendar years shall, with the written approval of 33054  
such election by the director, become an employer subject to this 33055  
chapter to the same extent as all other employers as of the date 33056  
stated in such approval, and shall cease to be subject to this 33057  
chapter as of the first day of January of any calendar year 33058  
subsequent to such two calendar years only if at least thirty days 33059  
prior to such first day of January the employer has filed with the 33060  
director a written notice to that effect. 33061

(5) Any employer for whom services that do not constitute 33062  
employment are performed may file with the director a written 33063  
election that all such services performed by individuals in the 33064  
employer's employ in one or more distinct establishments or places 33065  
of business shall be deemed to constitute employment for all the 33066  
purposes of this chapter, for not less than two calendar years. 33067  
Upon written approval of the election by the director, such 33068  
services shall be deemed to constitute employment subject to this 33069  
chapter from and after the date stated in such approval. Such 33070  
services shall cease to be employment subject to this chapter as 33071  
of the first day of January of any calendar year subsequent to 33072  
such two calendar years only if at least thirty days prior to such 33073  
first day of January such employer has filed with the director a 33074  
written notice to that effect. 33075

(6) "Employer" does not include a franchisor with respect to 33076  
the franchisor's relationship with a franchisee or an employee of 33077  
a franchisee, unless the franchisor agrees to assume that role in 33078  
writing or a court of competent jurisdiction determines that the 33079  
franchisor exercises a type or degree of control over the 33080  
franchisee or the franchisee's employees that is not customarily 33081  
exercised by a franchisor for the purpose of protecting the 33082

franchisor's trademark, brand, or both. For purposes of this 33083  
division, "franchisor" and "franchisee" have the same meanings as 33084  
in 16 C.F.R. 436.1. 33085

(B)(1) "Employment" means service performed by an individual 33086  
for remuneration under any contract of hire, written or oral, 33087  
express or implied, including service performed in interstate 33088  
commerce and service performed by an officer of a corporation, 33089  
without regard to whether such service is executive, managerial, 33090  
or manual in nature, and without regard to whether such officer is 33091  
a stockholder or a member of the board of directors of the 33092  
corporation, unless it is shown to the satisfaction of the 33093  
director that such individual has been and will continue to be 33094  
free from direction or control over the performance of such 33095  
service, both under a contract of service and in fact. The 33096  
director shall adopt rules to define "direction or control." 33097

(2) "Employment" includes: 33098

(a) Service performed after December 31, 1977, by an 33099  
individual in the employ of the state or any of its 33100  
instrumentalities, or any political subdivision thereof or any of 33101  
its instrumentalities or any instrumentality of more than one of 33102  
the foregoing or any instrumentality of any of the foregoing and 33103  
one or more other states or political subdivisions and without 33104  
regard to divisions (A)(1)(a) and (b) of this section, provided 33105  
that such service is excluded from employment as defined in the 33106  
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 33107  
3306(c)(7) and is not excluded under division (B)(3) of this 33108  
section; or the services of employees covered by voluntary 33109  
election, as provided under divisions (A)(4) and (5) of this 33110  
section; 33111

(b) Service performed after December 31, 1971, by an 33112  
individual in the employ of a religious, charitable, educational, 33113  
or other organization which is excluded from the term "employment" 33114

as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 33115  
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 33116  
3306(c)(8) of that act and is not excluded under division (B)(3) 33117  
of this section; 33118

(c) Domestic service performed after December 31, 1977, for 33119  
an employer, as provided in division (A)(1)(c) of this section; 33120

(d) Agricultural labor performed after December 31, 1977, for 33121  
a farm operator or a crew leader, as provided in division 33122  
(A)(1)(d) of this section; 33123

(e) Subject to division (B)(2)(m) of this section, service 33124  
not covered under division (B)(1) of this section which is 33125  
performed after December 31, 1971: 33126

(i) As an agent-driver or commission-driver engaged in 33127  
distributing meat products, vegetable products, fruit products, 33128  
bakery products, beverages other than milk, laundry, or 33129  
dry-cleaning services, for the individual's employer or principal; 33130

(ii) As a traveling or city salesperson, other than as an 33131  
agent-driver or commission-driver, engaged on a full-time basis in 33132  
the solicitation on behalf of and in the transmission to the 33133  
salesperson's employer or principal except for sideline sales 33134  
activities on behalf of some other person of orders from 33135  
wholesalers, retailers, contractors, or operators of hotels, 33136  
restaurants, or other similar establishments for merchandise for 33137  
resale, or supplies for use in their business operations, provided 33138  
that for the purposes of division (B)(2)(e)(ii) of this section, 33139  
the services shall be deemed employment if the contract of service 33140  
contemplates that substantially all of the services are to be 33141  
performed personally by the individual and that the individual 33142  
does not have a substantial investment in facilities used in 33143  
connection with the performance of the services other than in 33144  
facilities for transportation, and the services are not in the 33145

nature of a single transaction that is not a part of a continuing relationship with the person for whom the services are performed. 33146  
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(f) An individual's entire service performed within or both within and without the state if: 33148  
33149

(i) The service is localized in this state. 33150

(ii) The service is not localized in any state, but some of the service is performed in this state and either the base of operations, or if there is no base of operations then the place from which such service is directed or controlled, is in this state or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state. 33151  
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(g) Service not covered under division (B)(2)(f)(ii) of this section and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state, the Virgin Islands, Canada, or of the United States, if the individual performing such service is a resident of this state and the director approves the election of the employer for whom such services are performed; or, if the individual is not a resident of this state but the place from which the service is directed or controlled is in this state, the entire services of such individual shall be deemed to be employment subject to this chapter, provided service is deemed to be localized within this state if the service is performed entirely within this state or if the service is performed both within and without this state but the service performed without this state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions; 33159  
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(h) Service of an individual who is a citizen of the United 33176

States, performed outside the United States except in Canada after 33177  
December 31, 1971, or the Virgin Islands, after December 31, 1971, 33178  
and before the first day of January of the year following that in 33179  
which the United States secretary of labor approves the Virgin 33180  
Islands law for the first time, in the employ of an American 33181  
employer, other than service which is "employment" under divisions 33182  
(B)(2)(f) and (g) of this section or similar provisions of another 33183  
state's law, if: 33184

(i) The employer's principal place of business in the United 33185  
States is located in this state; 33186

(ii) The employer has no place of business in the United 33187  
States, but the employer is an individual who is a resident of 33188  
this state; or the employer is a corporation which is organized 33189  
under the laws of this state, or the employer is a partnership or 33190  
a trust and the number of partners or trustees who are residents 33191  
of this state is greater than the number who are residents of any 33192  
other state; or 33193

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 33194  
of this section is met but the employer has elected coverage in 33195  
this state or the employer having failed to elect coverage in any 33196  
state, the individual has filed a claim for benefits, based on 33197  
such service, under this chapter. 33198

(i) For the purposes of division (B)(2)(h) of this section, 33199  
the term "American employer" means an employer who is an 33200  
individual who is a resident of the United States; or a 33201  
partnership, if two-thirds or more of the partners are residents 33202  
of the United States; or a trust, if all of the trustees are 33203  
residents of the United States; or a corporation organized under 33204  
the laws of the United States or of any state, provided the term 33205  
"United States" includes the states, the District of Columbia, the 33206  
Commonwealth of Puerto Rico, and the Virgin Islands. 33207

(j) Notwithstanding any other provisions of divisions (B)(1) 33208  
and (2) of this section, service, except for domestic service in a 33209  
private home not covered under division (A)(1)(c) of this section, 33210  
with respect to which a tax is required to be paid under any 33211  
federal law imposing a tax against which credit may be taken for 33212  
contributions required to be paid into a state unemployment fund, 33213  
or service, except for domestic service in a private home not 33214  
covered under division (A)(1)(c) of this section, which, as a 33215  
condition for full tax credit against the tax imposed by the 33216  
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 33217  
3311, is required to be covered under this chapter. 33218

(k) Construction services performed by any individual under a 33219  
construction contract, as defined in section 4141.39 of the 33220  
Revised Code, if the director determines that the employer for 33221  
whom services are performed has the right to direct or control the 33222  
performance of the services and that the individuals who perform 33223  
the services receive remuneration for the services performed. The 33224  
director shall presume that the employer for whom services are 33225  
performed has the right to direct or control the performance of 33226  
the services if ten or more of the following criteria apply: 33227

(i) The employer directs or controls the manner or method by 33228  
which instructions are given to the individual performing 33229  
services; 33230

(ii) The employer requires particular training for the 33231  
individual performing services; 33232

(iii) Services performed by the individual are integrated 33233  
into the regular functioning of the employer; 33234

(iv) The employer requires that services be provided by a 33235  
particular individual; 33236

(v) The employer hires, supervises, or pays the wages of the 33237  
individual performing services; 33238

(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;	33239 33240 33241
(vii) The employer requires the individual to perform services during established hours;	33242 33243
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	33244 33245 33246
(ix) The employer requires the individual to perform services on the employer's premises;	33247 33248
(x) The employer requires the individual performing services to follow the order of work established by the employer;	33249 33250
(xi) The employer requires the individual performing services to make oral or written reports of progress;	33251 33252
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	33253 33254
(xiii) The employer pays expenses for the individual performing services;	33255 33256
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	33257 33258
(xv) The individual performing services has not invested in the facilities used to perform services;	33259 33260
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	33261 33262 33263
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	33264 33265
(xviii) The individual performing services does not make the services available to the general public;	33266 33267

(xix) The employer has a right to discharge the individual performing services;	33268 33269
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	33270 33271 33272
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section.	33273 33274 33275 33276 33277 33278 33279 33280 33281
(m) Service performed by an individual for or on behalf of a motor carrier transporting property as an operator of a vehicle or vessel, unless all of the following factors apply to the individual and the motor carrier has not elected to consider the individual's service as employment:	33282 33283 33284 33285 33286
(i) The individual owns the vehicle or vessel that is used in performing the services for or on behalf of the carrier, or the individual leases the vehicle or vessel under a bona fide lease agreement that is not a temporary replacement lease agreement. For purposes of this division, a bona fide lease agreement does not include an agreement between the individual and the motor carrier transporting property for which, or on whose behalf, the individual provides services.	33287 33288 33289 33290 33291 33292 33293 33294
(ii) The individual is responsible for supplying the necessary personal services to operate the vehicle or vessel used to provide the service.	33295 33296 33297
(iii) The compensation paid to the individual is based on	33298

factors related to work performed, including on a mileage-based 33299  
rate or a percentage of any schedule of rates, and not solely on 33300  
the basis of the hours or time expended. 33301

(iv) The individual substantially controls the means and 33302  
manner of performing the services, in conformance with regulatory 33303  
requirements and specifications of the shipper. 33304

(v) The individual enters into a written contract with the 33305  
carrier for whom the individual is performing the services that 33306  
describes the relationship between the individual and the carrier 33307  
to be that of an independent contractor and not that of an 33308  
employee. 33309

(vi) The individual is responsible for substantially all of 33310  
the principal operating costs of the vehicle or vessel and 33311  
equipment used to provide the services, including maintenance, 33312  
fuel, repairs, supplies, vehicle or vessel insurance, and personal 33313  
expenses, except that the individual may be paid by the carrier 33314  
the carrier's fuel surcharge and incidental costs, including 33315  
tolls, permits, and lump sum fees. 33316

(vii) The individual is responsible for any economic loss or 33317  
economic gain from the arrangement with the carrier. 33318

(viii) The individual is not performing services described in 33319  
26 U.S.C. 3306(c)(7) or (8). 33320

(3) "Employment" does not include the following services if 33321  
they are found not subject to the "Federal Unemployment Tax Act," 33322  
84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services 33323  
are not required to be included under division (B)(2)(j) of this 33324  
section: 33325

(a) Service performed after December 31, 1977, in 33326  
agricultural labor, except as provided in division (A)(1)(d) of 33327  
this section; 33328

(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A)(1)(c) of this section;	33329 33330 33331 33332
(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B)(2)(a) of this section when performed:	33333 33334 33335
(i) As a publicly elected official;	33336
(ii) As a member of a legislative body, or a member of the judiciary;	33337 33338
(iii) As a military member of the Ohio national guard;	33339
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	33340 33341 33342 33343
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	33344 33345 33346 33347 33348
(d) In the employ of any governmental unit or instrumentality of the United States;	33349 33350
(e) Service performed after December 31, 1971:	33351
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	33352 33353 33354 33355 33356
(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular	33357 33358

faculty and curriculum and normally has a regularly organized body 33359  
of students in attendance at the place where its educational 33360  
activities are carried on as a student in a full-time program, 33361  
taken for credit at the institution, which combines academic 33362  
instruction with work experience, if the service is an integral 33363  
part of the program, and the institution has so certified to the 33364  
employer, provided that this subdivision shall not apply to 33365  
service performed in a program established for or on behalf of an 33366  
employer or group of employers. 33367

(f) Service performed by an individual in the employ of the 33368  
individual's son, daughter, or spouse and service performed by a 33369  
child under the age of eighteen in the employ of the child's 33370  
father or mother; 33371

(g) Service performed for one or more principals by an 33372  
individual who is compensated on a commission basis, who in the 33373  
performance of the work is master of the individual's own time and 33374  
efforts, and whose remuneration is wholly dependent on the amount 33375  
of effort the individual chooses to expend, and which service is 33376  
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 33377  
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 33378  
31, 1971: 33379

(i) By an individual for an employer as an insurance agent or 33380  
as an insurance solicitor, if all this service is performed for 33381  
remuneration solely by way of commission; 33382

(ii) As a home worker performing work, according to 33383  
specifications furnished by the employer for whom the services are 33384  
performed, on materials or goods furnished by such employer which 33385  
are required to be returned to the employer or to a person 33386  
designated for that purpose. 33387

(h) Service performed after December 31, 1971: 33388

(i) In the employ of a church or convention or association of 33389

churches, or in an organization which is operated primarily for 33390  
religious purposes and which is operated, supervised, controlled, 33391  
or principally supported by a church or convention or association 33392  
of churches; 33393

(ii) By a duly ordained, commissioned, or licensed minister 33394  
of a church in the exercise of the individual's ministry or by a 33395  
member of a religious order in the exercise of duties required by 33396  
such order; or 33397

(iii) In a facility conducted for the purpose of carrying out 33398  
a program of rehabilitation for individuals whose earning capacity 33399  
is impaired by age or physical or mental deficiency or injury, or 33400  
providing remunerative work for individuals who because of their 33401  
impaired physical or mental capacity cannot be readily absorbed in 33402  
the competitive labor market, by an individual receiving such 33403  
rehabilitation or remunerative work. 33404

(i) Service performed after June 30, 1939, with respect to 33405  
which unemployment compensation is payable under the "Railroad 33406  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 33407

(j) Service performed by an individual in the employ of any 33408  
organization exempt from income tax under section 501 of the 33409  
"Internal Revenue Code of 1954," if the remuneration for such 33410  
service does not exceed fifty dollars in any calendar quarter, or 33411  
if such service is in connection with the collection of dues or 33412  
premiums for a fraternal beneficial society, order, or association 33413  
and is performed away from the home office or is ritualistic 33414  
service in connection with any such society, order, or 33415  
association; 33416

(k) Casual labor not in the course of an employer's trade or 33417  
business; incidental service performed by an officer, appraiser, 33418  
or member of a finance committee of a bank, building and loan 33419  
association, savings and loan association, or savings association 33420

when the remuneration for such incidental service exclusive of the 33421  
amount paid or allotted for directors' fees does not exceed sixty 33422  
dollars per calendar quarter is casual labor; 33423

(l) Service performed in the employ of a voluntary employees' 33424  
beneficial association providing for the payment of life, 33425  
sickness, accident, or other benefits to the members of such 33426  
association or their dependents or their designated beneficiaries, 33427  
if admission to a membership in such association is limited to 33428  
individuals who are officers or employees of a municipal or public 33429  
corporation, of a political subdivision of the state, or of the 33430  
United States and no part of the net earnings of such association 33431  
inures, other than through such payments, to the benefit of any 33432  
private shareholder or individual; 33433

(m) Service performed by an individual in the employ of a 33434  
foreign government, including service as a consular or other 33435  
officer or employee or of a nondiplomatic representative; 33436

(n) Service performed in the employ of an instrumentality 33437  
wholly owned by a foreign government if the service is of a 33438  
character similar to that performed in foreign countries by 33439  
employees of the United States or of an instrumentality thereof 33440  
and if the director finds that the secretary of state of the 33441  
United States has certified to the secretary of the treasury of 33442  
the United States that the foreign government, with respect to 33443  
whose instrumentality exemption is claimed, grants an equivalent 33444  
exemption with respect to similar service performed in the foreign 33445  
country by employees of the United States and of instrumentalities 33446  
thereof; 33447

(o) Service with respect to which unemployment compensation 33448  
is payable under an unemployment compensation system established 33449  
by an act of congress; 33450

(p) Service performed as a student nurse in the employ of a 33451

hospital or a nurses' training school by an individual who is 33452  
enrolled and is regularly attending classes in a nurses' training 33453  
school chartered or approved pursuant to state law, and service 33454  
performed as an intern in the employ of a hospital by an 33455  
individual who has completed a four years' course in a medical 33456  
school chartered or approved pursuant to state law; 33457

(q) Service performed by an individual under the age of 33458  
eighteen in the delivery or distribution of newspapers or shopping 33459  
news, not including delivery or distribution to any point for 33460  
subsequent delivery or distribution; 33461

(r) Service performed in the employ of the United States or 33462  
an instrumentality of the United States immune under the 33463  
Constitution of the United States from the contributions imposed 33464  
by this chapter, except that to the extent that congress permits 33465  
states to require any instrumentalities of the United States to 33466  
make payments into an unemployment fund under a state unemployment 33467  
compensation act, this chapter shall be applicable to such 33468  
instrumentalities and to services performed for such 33469  
instrumentalities in the same manner, to the same extent, and on 33470  
the same terms as to all other employers, individuals, and 33471  
services, provided that if this state is not certified for any 33472  
year by the proper agency of the United States under section 3304 33473  
of the "Internal Revenue Code of 1954," the payments required of 33474  
such instrumentalities with respect to such year shall be refunded 33475  
by the director from the fund in the same manner and within the 33476  
same period as is provided in division (E) of section 4141.09 of 33477  
the Revised Code with respect to contributions erroneously 33478  
collected; 33479

(s) Service performed by an individual as a member of a band 33480  
or orchestra, provided such service does not represent the 33481  
principal occupation of such individual, and which service is not 33482  
subject to or required to be covered for full tax credit against 33483

the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 33484  
183 (1939), 26 U.S.C.A. 3301 to 3311. 33485

(t) Service performed in the employ of a day camp whose 33486  
camping season does not exceed twelve weeks in any calendar year, 33487  
and which service is not subject to the "Federal Unemployment Tax 33488  
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 33489  
performed after December 31, 1971: 33490

(i) In the employ of a hospital, if the service is performed 33491  
by a patient of the hospital, as defined in division (W) of this 33492  
section; 33493

(ii) For a prison or other correctional institution by an 33494  
inmate of the prison or correctional institution; 33495

(iii) Service performed after December 31, 1977, by an inmate 33496  
of a custodial institution operated by the state, a political 33497  
subdivision, or a nonprofit organization. 33498

(u) Service that is performed by a nonresident alien 33499  
individual for the period the individual temporarily is present in 33500  
the United States as a nonimmigrant under division (F), (J), (M), 33501  
or (Q) of section 101(a)(15) of the "Immigration and Nationality 33502  
Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded 33503  
under section 3306(c)(19) of the "Federal Unemployment Tax Act," 33504  
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 33505

(v) Notwithstanding any other provisions of division (B)(3) 33506  
of this section, services that are excluded under divisions 33507  
(B)(3)(g), (j), (k), and (l) of this section shall not be excluded 33508  
from employment when performed for a nonprofit organization, as 33509  
defined in division (X) of this section, or for this state or its 33510  
instrumentalities, or for a political subdivision or its 33511  
instrumentalities or for Indian tribes; 33512

(w) Service that is performed by an individual working as an 33513  
election official or election worker if the amount of remuneration 33514

received by the individual during the calendar year for services 33515  
as an election official or election worker is less than one 33516  
thousand dollars; 33517

(x) Service performed for an elementary or secondary school 33518  
that is operated primarily for religious purposes, that is 33519  
described in subsection 501(c)(3) and exempt from federal income 33520  
taxation under subsection 501(a) of the Internal Revenue Code, 26 33521  
U.S.C.A. 501; 33522

(y) Service performed by a person committed to a penal 33523  
institution. 33524

(z) Service performed for an Indian tribe as described in 33525  
division (B)(2)(1) of this section when performed in any of the 33526  
following manners: 33527

(i) As a publicly elected official; 33528

(ii) As a member of an Indian tribal council; 33529

(iii) As a member of a legislative or judiciary body; 33530

(iv) In a position which, pursuant to Indian tribal law, is 33531  
designated as a major nontenured policymaking or advisory 33532  
position, or a policymaking or advisory position where the 33533  
performance of the duties ordinarily does not require more than 33534  
eight hours of time per week; 33535

(v) As an employee serving on a temporary basis in the case 33536  
of a fire, storm, snow, earthquake, flood, or similar emergency. 33537

(aa) Service performed after December 31, 1971, for a 33538  
nonprofit organization, this state or its instrumentalities, a 33539  
political subdivision or its instrumentalities, or an Indian tribe 33540  
as part of an unemployment work-relief or work-training program 33541  
assisted or financed in whole or in part by any federal agency or 33542  
an agency of a state or political subdivision, thereof, by an 33543  
individual receiving the work-relief or work-training. 33544

(bb) Participation in a learn to earn program as defined in 33545  
section 4141.293 of the Revised Code. 33546

(4) If the services performed during one half or more of any 33547  
pay period by an employee for the person employing that employee 33548  
constitute employment, all the services of such employee for such 33549  
period shall be deemed to be employment; but if the services 33550  
performed during more than one half of any such pay period by an 33551  
employee for the person employing that employee do not constitute 33552  
employment, then none of the services of such employee for such 33553  
period shall be deemed to be employment. As used in division 33554  
(B)(4) of this section, "pay period" means a period, of not more 33555  
than thirty-one consecutive days, for which payment of 33556  
remuneration is ordinarily made to the employee by the person 33557  
employing that employee. Division (B)(4) of this section does not 33558  
apply to services performed in a pay period by an employee for the 33559  
person employing that employee, if any of such service is excepted 33560  
by division (B)(3)(o) of this section. 33561

(C) "Benefits" means money payments payable to an individual 33562  
who has established benefit rights, as provided in this chapter, 33563  
for loss of remuneration due to the individual's unemployment. 33564

(D) "Benefit rights" means the weekly benefit amount and the 33565  
maximum benefit amount that may become payable to an individual 33566  
within the individual's benefit year as determined by the 33567  
director. 33568

(E) "Claim for benefits" means a claim for waiting period or 33569  
benefits for a designated week. 33570

(F) "Additional claim" means the first claim for benefits 33571  
filed following any separation from employment during a benefit 33572  
year; "continued claim" means any claim other than the first claim 33573  
for benefits and other than an additional claim. 33574

(G) "Wages" means remuneration paid to an employee by each of 33575

the employee's employers with respect to employment; except that 33576  
wages shall not include that part of remuneration paid during any 33577  
calendar year to an individual by an employer or such employer's 33578  
predecessor in interest in the same business or enterprise, which 33579  
in any calendar year is in excess of nine thousand dollars on and 33580  
after January 1, 1995; nine thousand five hundred dollars on and 33581  
after January 1, 2018; and nine thousand dollars on and after 33582  
January 1, 2020. Remuneration in excess of such amounts shall be 33583  
deemed wages subject to contribution to the same extent that such 33584  
remuneration is defined as wages under the "Federal Unemployment 33585  
Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as 33586  
amended. The remuneration paid an employee by an employer with 33587  
respect to employment in another state, upon which contributions 33588  
were required and paid by such employer under the unemployment 33589  
compensation act of such other state, shall be included as a part 33590  
of remuneration in computing the amount specified in this 33591  
division. 33592

(H)(1) "Remuneration" means all compensation for personal 33593  
services, including commissions and bonuses and the cash value of 33594  
all compensation in any medium other than cash, except that in the 33595  
case of agricultural or domestic service, "remuneration" includes 33596  
only cash remuneration. Gratuities customarily received by an 33597  
individual in the course of the individual's employment from 33598  
persons other than the individual's employer and which are 33599  
accounted for by such individual to the individual's employer are 33600  
taxable wages. 33601

The reasonable cash value of compensation paid in any medium 33602  
other than cash shall be estimated and determined in accordance 33603  
with rules prescribed by the director, provided that 33604  
"remuneration" does not include: 33605

(a) Payments as provided in divisions (b)(2) to (b)(20) of 33606  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 33607

26 U.S.C.A. 3301 to 3311, as amended; 33608

(b) The payment by an employer, without deduction from the 33609  
remuneration of the individual in the employer's employ, of the 33610  
tax imposed upon an individual in the employer's employ under 33611  
section 3101 of the "Internal Revenue Code of 1954," with respect 33612  
to services performed after October 1, 1941. 33613

(2) "Cash remuneration" means all remuneration paid in cash, 33614  
including commissions and bonuses, but not including the cash 33615  
value of all compensation in any medium other than cash. 33616

(I) "Interested party" means the director and any party to 33617  
whom notice of a determination of an application for benefit 33618  
rights or a claim for benefits is required to be given under 33619  
section 4141.28 of the Revised Code. 33620

(J) "Annual payroll" means the total amount of wages subject 33621  
to contributions during a twelve-month period ending with the last 33622  
day of the second calendar quarter of any calendar year. 33623

(K) "Average annual payroll" means the average of the last 33624  
three annual payrolls of an employer, provided that if, as of any 33625  
computation date, the employer has had less than three annual 33626  
payrolls in such three-year period, such average shall be based on 33627  
the annual payrolls which the employer has had as of such date. 33628

(L)(1) "Contributions" means the money payments to the state 33629  
unemployment compensation fund required of employers by section 33630  
4141.25 of the Revised Code and of the state and any of its 33631  
political subdivisions electing to pay contributions under section 33632  
4141.242 of the Revised Code. Employers paying contributions shall 33633  
be described as "contributory employers." 33634

(2) "Payments in lieu of contributions" means the money 33635  
payments to the state unemployment compensation fund required of 33636  
reimbursing employers under sections 4141.241 and 4141.242 of the 33637  
Revised Code. 33638

(M) An individual is "totally unemployed" in any week during 33639  
which the individual performs no services and with respect to such 33640  
week no remuneration is payable to the individual. 33641

(N) An individual is "partially unemployed" in any week if, 33642  
due to involuntary loss of work, the total remuneration payable to 33643  
the individual for such week is less than the individual's weekly 33644  
benefit amount. 33645

(O) "Week" means the calendar week ending at midnight 33646  
Saturday unless an equivalent week of seven consecutive calendar 33647  
days is prescribed by the director. 33648

(1) "Qualifying week" means any calendar week in an 33649  
individual's base period with respect to which the individual 33650  
earns or is paid remuneration in employment subject to this 33651  
chapter. A calendar week with respect to which an individual earns 33652  
remuneration but for which payment was not made within the base 33653  
period, when necessary to qualify for benefit rights, may be 33654  
considered to be a qualifying week. The number of qualifying weeks 33655  
which may be established in a calendar quarter shall not exceed 33656  
the number of calendar weeks in the quarter. 33657

(2) "Average weekly wage" means the amount obtained by 33658  
dividing an individual's total remuneration for all qualifying 33659  
weeks during the base period by the number of such qualifying 33660  
weeks, provided that if the computation results in an amount that 33661  
is not a multiple of one dollar, such amount shall be rounded to 33662  
the next lower multiple of one dollar. 33663

(P) "Weekly benefit amount" means the amount of benefits an 33664  
individual would be entitled to receive for one week of total 33665  
unemployment. 33666

(Q)(1) "Base period" means the first four of the last five 33667  
completed calendar quarters immediately preceding the first day of 33668  
an individual's benefit year, except as provided in division 33669

(Q)(2) of this section. 33670

(2) If an individual does not have sufficient qualifying 33671  
weeks and wages in the base period to qualify for benefit rights, 33672  
the individual's base period shall be the four most recently 33673  
completed calendar quarters preceding the first day of the 33674  
individual's benefit year. Such base period shall be known as the 33675  
"alternate base period." If information as to weeks and wages for 33676  
the most recent quarter of the alternate base period is not 33677  
available to the director from the regular quarterly reports of 33678  
wage information, which are systematically accessible, the 33679  
director may, consistent with the provisions of section 4141.28 of 33680  
the Revised Code, base the determination of eligibility for 33681  
benefits on the affidavit of the claimant with respect to weeks 33682  
and wages for that calendar quarter. The claimant shall furnish 33683  
payroll documentation, where available, in support of the 33684  
affidavit. The determination based upon the alternate base period 33685  
as it relates to the claimant's benefit rights, shall be amended 33686  
when the quarterly report of wage information from the employer is 33687  
timely received and that information causes a change in the 33688  
determination. As provided in division (B) of section 4141.28 of 33689  
the Revised Code, any benefits paid and charged to an employer's 33690  
account, based upon a claimant's affidavit, shall be adjusted 33691  
effective as of the beginning of the claimant's benefit year. No 33692  
calendar quarter in a base period or alternate base period shall 33693  
be used to establish a subsequent benefit year. 33694

(3) The "base period" of a combined wage claim, as described 33695  
in division (H) of section 4141.43 of the Revised Code, shall be 33696  
the base period prescribed by the law of the state in which the 33697  
claim is allowed. 33698

(4) For purposes of determining the weeks that comprise a 33699  
completed calendar quarter under this division, only those weeks 33700  
ending at midnight Saturday within the calendar quarter shall be 33701

utilized. 33702

(R)(1) "Benefit year" with respect to an individual means the 33703  
fifty-two week period beginning with the first day of that week 33704  
with respect to which the individual first files a valid 33705  
application for determination of benefit rights, and thereafter 33706  
the fifty-two week period beginning with the first day of that 33707  
week with respect to which the individual next files a valid 33708  
application for determination of benefit rights after the 33709  
termination of the individual's last preceding benefit year, 33710  
except that the application shall not be considered valid unless 33711  
the individual has had employment in six weeks that is subject to 33712  
this chapter or the unemployment compensation act of another 33713  
state, or the United States, and has, since the beginning of the 33714  
individual's previous benefit year, in the employment earned three 33715  
times the average weekly wage determined for the previous benefit 33716  
year. The "benefit year" of a combined wage claim, as described in 33717  
division (H) of section 4141.43 of the Revised Code, shall be the 33718  
benefit year prescribed by the law of the state in which the claim 33719  
is allowed. Any application for determination of benefit rights 33720  
made in accordance with section 4141.28 of the Revised Code is 33721  
valid if the individual filing such application is unemployed, has 33722  
been employed by an employer or employers subject to this chapter 33723  
in at least twenty qualifying weeks within the individual's base 33724  
period, and has earned or been paid remuneration at an average 33725  
weekly wage of not less than twenty-seven and one-half per cent of 33726  
the statewide average weekly wage for such weeks. For purposes of 33727  
determining whether an individual has had sufficient employment 33728  
since the beginning of the individual's previous benefit year to 33729  
file a valid application, "employment" means the performance of 33730  
services for which remuneration is payable. 33731

(2) Effective for benefit years beginning on and after 33732  
December 26, 2004, but before July 1, 2022, any application for 33733

determination of benefit rights made in accordance with section 33734  
4141.28 of the Revised Code is valid if the individual satisfies 33735  
the criteria described in division (R)(1) of this section, and if 33736  
the reason for the individual's separation from employment is not 33737  
disqualifying pursuant to division (D)(2) of section 4141.29 or 33738  
section 4141.291 of the Revised Code. A disqualification imposed 33739  
pursuant to division (D)(2) of section 4141.29 or section 4141.291 33740  
of the Revised Code must be removed as provided in those sections 33741  
as a requirement of establishing a valid application for benefit 33742  
years beginning on and after December 26, 2004, but before July 1, 33743  
2022. Effective for benefit years beginning on and after July 1, 33744  
2022, any application for determination of benefit rights made in 33745  
accordance with section 4141.28 of the Revised Code is valid if 33746  
the individual satisfies the criteria described in division (R)(1) 33747  
of this section. A disqualification imposed pursuant to division 33748  
(D)(2) of section 4141.29 or section 4141.291 of the Revised Code 33749  
does not affect the validity of an application. 33750

(3) The statewide average weekly wage shall be calculated by 33751  
the director once a year based on the twelve-month period ending 33752  
the thirtieth day of June, as set forth in division (B)(3) of 33753  
section 4141.30 of the Revised Code, rounded down to the nearest 33754  
dollar. Increases or decreases in the amount of remuneration 33755  
required to have been earned or paid in order for individuals to 33756  
have filed valid applications shall become effective on Sunday of 33757  
the calendar week in which the first day of January occurs that 33758  
follows the twelve-month period ending the thirtieth day of June 33759  
upon which the calculation of the statewide average weekly wage 33760  
was based. 33761

(4) As used in this division, an individual is "unemployed" 33762  
if, with respect to the calendar week in which such application is 33763  
filed, the individual is "partially unemployed" or "totally 33764  
unemployed" as defined in this section or if, prior to filing the 33765

application, the individual was separated from the individual's 33766  
most recent work for any reason which terminated the individual's 33767  
employee-employer relationship, or was laid off indefinitely or 33768  
for a definite period of seven or more days. 33769

(S) "Calendar quarter" means the period of three consecutive 33770  
calendar months ending on the thirty-first day of March, the 33771  
thirtieth day of June, the thirtieth day of September, and the 33772  
thirty-first day of December, or the equivalent thereof as the 33773  
director prescribes by rule. 33774

(T) "Computation date" means the first day of the third 33775  
calendar quarter of any calendar year. 33776

(U) "Contribution period" means the calendar year beginning 33777  
on the first day of January of any year. 33778

(V) "Agricultural labor," for the purpose of this division, 33779  
means any service performed prior to January 1, 1972, which was 33780  
agricultural labor as defined in this division prior to that date, 33781  
and service performed after December 31, 1971: 33782

(1) On a farm, in the employ of any person, in connection 33783  
with cultivating the soil, or in connection with raising or 33784  
harvesting any agricultural or horticultural commodity, including 33785  
the raising, shearing, feeding, caring for, training, and 33786  
management of livestock, bees, poultry, and fur-bearing animals 33787  
and wildlife; 33788

(2) In the employ of the owner or tenant or other operator of 33789  
a farm in connection with the operation, management, conservation, 33790  
improvement, or maintenance of such farm and its tools and 33791  
equipment, or in salvaging timber or clearing land of brush and 33792  
other debris left by hurricane, if the major part of such service 33793  
is performed on a farm; 33794

(3) In connection with the production or harvesting of any 33795  
commodity defined as an agricultural commodity in section 15 (g) 33796

of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 33797  
U.S.C. 1141j, as amended, or in connection with the ginning of 33798  
cotton, or in connection with the operation or maintenance of 33799  
ditches, canals, reservoirs, or waterways, not owned or operated 33800  
for profit, used exclusively for supplying and storing water for 33801  
farming purposes; 33802

(4) In the employ of the operator of a farm in handling, 33803  
planting, drying, packing, packaging, processing, freezing, 33804  
grading, storing, or delivering to storage or to market or to a 33805  
carrier for transportation to market, in its unmanufactured state, 33806  
any agricultural or horticultural commodity, but only if the 33807  
operator produced more than one half of the commodity with respect 33808  
to which such service is performed; 33809

(5) In the employ of a group of operators of farms, or a 33810  
cooperative organization of which the operators are members, in 33811  
the performance of service described in division (V)(4) of this 33812  
section, but only if the operators produced more than one-half of 33813  
the commodity with respect to which the service is performed; 33814

(6) Divisions (V)(4) and (5) of this section shall not be 33815  
deemed to be applicable with respect to service performed: 33816

(a) In connection with commercial canning or commercial 33817  
freezing or in connection with any agricultural or horticultural 33818  
commodity after its delivery to a terminal market for distribution 33819  
for consumption; or 33820

(b) On a farm operated for profit if the service is not in 33821  
the course of the employer's trade or business. 33822

As used in division (V) of this section, "farm" includes 33823  
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 33824  
plantations, ranches, nurseries, ranges, greenhouses, or other 33825  
similar structures used primarily for the raising of agricultural 33826  
or horticultural commodities and orchards. 33827

(W) "Hospital" means an institution which has been registered 33828  
or licensed by the Ohio department of health as a hospital. 33829

(X) "Nonprofit organization" means an organization, or group 33830  
of organizations, described in section 501(c)(3) of the "Internal 33831  
Revenue Code of 1954," and exempt from income tax under section 33832  
501(a) of that code. 33833

(Y) "Institution of higher education" means a public or 33834  
nonprofit educational institution, including an educational 33835  
institution operated by an Indian tribe, which: 33836

(1) Admits as regular students only individuals having a 33837  
certificate of graduation from a high school, or the recognized 33838  
equivalent; 33839

(2) Is legally authorized in this state or by the Indian 33840  
tribe to provide a program of education beyond high school; and 33841

(3) Provides an educational program for which it awards a 33842  
bachelor's or higher degree, or provides a program which is 33843  
acceptable for full credit toward such a degree, a program of 33844  
post-graduate or post-doctoral studies, or a program of training 33845  
to prepare students for gainful employment in a recognized 33846  
occupation. 33847

For the purposes of this division, all colleges and 33848  
universities in this state are institutions of higher education. 33849

(Z) For the purposes of this chapter, "states" includes the 33850  
District of Columbia, the Commonwealth of Puerto Rico, and the 33851  
Virgin Islands. 33852

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 33853  
this section, an individual who is an alien admitted to the United 33854  
States to perform service in agricultural labor pursuant to 33855  
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 33856  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 33857

(BB)(1) "Crew leader" means an individual who furnishes 33858  
individuals to perform agricultural labor for any other employer 33859  
or farm operator, and: 33860

(a) Pays, either on the individual's own behalf or on behalf 33861  
of the other employer or farm operator, the individuals so 33862  
furnished by the individual for the service in agricultural labor 33863  
performed by them; 33864

(b) Has not entered into a written agreement with the other 33865  
employer or farm operator under which the agricultural worker is 33866  
designated as in the employ of the other employer or farm 33867  
operator. 33868

(2) For the purposes of this chapter, any individual who is a 33869  
member of a crew furnished by a crew leader to perform service in 33870  
agricultural labor for any other employer or farm operator shall 33871  
be treated as an employee of the crew leader if: 33872

(a) The crew leader holds a valid certificate of registration 33873  
under the "Farm Labor Contractor Registration Act of 1963," 90 33874  
Stat. 2668, 7 U.S.C. 2041; or 33875

(b) Substantially all the members of the crew operate or 33876  
maintain tractors, mechanized harvesting or crop-dusting 33877  
equipment, or any other mechanized equipment, which is provided by 33878  
the crew leader; and 33879

(c) If the individual is not in the employment of the other 33880  
employer or farm operator within the meaning of division (B)(1) of 33881  
this section. 33882

(3) For the purposes of this division, any individual who is 33883  
furnished by a crew leader to perform service in agricultural 33884  
labor for any other employer or farm operator and who is not 33885  
treated as in the employment of the crew leader under division 33886  
(BB)(2) of this section shall be treated as the employee of the 33887  
other employer or farm operator and not of the crew leader. The 33888

other employer or farm operator shall be treated as having paid 33889  
cash remuneration to the individual in an amount equal to the 33890  
amount of cash remuneration paid to the individual by the crew 33891  
leader, either on the crew leader's own behalf or on behalf of the 33892  
other employer or farm operator, for the service in agricultural 33893  
labor performed for the other employer or farm operator. 33894

(CC) "Educational institution" means an institution other 33895  
than an institution of higher education as defined in division (Y) 33896  
of this section, including an educational institution operated by 33897  
an Indian tribe, which: 33898

(1) Offers participants, trainees, or students an organized 33899  
course of study or training designed to transfer to them 33900  
knowledge, skills, information, doctrines, attitudes, or abilities 33901  
from, by, or under the guidance of an instructor or teacher; and 33902

(2) Is approved, chartered, or issued a permit to operate as 33903  
a school by the state board of education, other government agency, 33904  
or Indian tribe that is authorized within the state to approve, 33905  
charter, or issue a permit for the operation of a school. 33906

For the purposes of this division, the courses of study or 33907  
training which the institution offers may be academic, technical, 33908  
trade, or preparation for gainful employment in a recognized 33909  
occupation. 33910

(DD) "Cost savings day" means any unpaid day off from work in 33911  
which employees continue to accrue employee benefits which have a 33912  
determinable value including, but not limited to, vacation, 33913  
pension contribution, sick time, and life and health insurance. 33914

(EE) "Motor carrier" has the same meaning as in section 33915  
4923.01 of the Revised Code. 33916

**Sec. 4141.131.** The director of job and family services may 33917  
enter into contracts for the sale of real property no longer 33918

needed by the director of job and family services for the 33919  
operations of the director of job and family services under this 33920  
title. Any costs attributable to the director of job and family 33921  
services that are associated with the sale of real property under 33922  
this section shall be paid out of the unemployment compensation 33923  
special administrative fund established pursuant to section 33924  
4141.11 of the Revised Code. The director of job and family 33925  
services shall submit a report summarizing the use of that fund 33926  
for the purpose of this section at least annually to the 33927  
unemployment compensation advisory council as prescribed by the 33928  
council. 33929

The ~~auditor of state~~ director of administrative services, 33930  
with the assistance of the attorney general, shall prepare a deed 33931  
to the real property being sold upon notice from the director of 33932  
job and family services that a contract for the sale of that 33933  
property has been executed in accordance with this section. The 33934  
deed shall state the consideration and any conditions placed upon 33935  
the sale. The deed shall be executed by the governor in the name 33936  
of the state, countersigned by the secretary of state, sealed with 33937  
the great seal of the state, presented in the office of the 33938  
~~auditor of state~~ director of administrative services for 33939  
recording, and delivered to the buyer upon payment of the balance 33940  
of the purchase price. 33941

The buyer shall present the deed for recording in the county 33942  
recorder's office of the county in which the real property is 33943  
located. 33944

**Sec. 4141.21.** Except as provided in section 4141.162 of the 33945  
Revised Code, and subject to section 4141.43 of the Revised Code, 33946  
the information maintained by the director of job and family 33947  
services or the unemployment compensation review commission or 33948  
furnished to the director or commission by employers or employees 33949

pursuant to this chapter is for the exclusive use and information 33950  
of the department of job and family services and the commission in 33951  
the discharge of ~~its~~ their duties and shall not be open to the 33952  
public or be used in any court in any action or proceeding pending 33953  
therein, or be admissible in evidence in any action, other than 33954  
one arising under this chapter or section 5733.42 of the Revised 33955  
Code. All of the information and records necessary or useful in 33956  
the determination of any particular claim for benefits or 33957  
necessary in verifying any charge to an employer's account under 33958  
sections 4141.23 to 4141.26 of the Revised Code shall be available 33959  
for examination and use by the employer and the employee involved 33960  
or their authorized representatives in the hearing of such cases, 33961  
and that information may be tabulated and published in statistical 33962  
form for the use and information of the state departments and the 33963  
public. 33964

**Sec. 4141.22.** (A) No person shall disclose any information 33965  
that was maintained by the director of job and family services or 33966  
the unemployment compensation review commission or that was 33967  
furnished to the director or the commission by employers or 33968  
employees pursuant to this chapter, unless such disclosure is 33969  
permitted under section 4141.21 of the Revised Code. 33970

(B) No person in the employ of the director ~~of job and family~~ 33971  
~~services or~~, a county family services agency ~~or~~, a workforce 33972  
development agency, or the commission, or who has been in the 33973  
employ of the director ~~or~~, those agencies, or the commission, at 33974  
any time, shall divulge any information maintained by or furnished 33975  
to the director or the commission under this chapter and secured 33976  
by the person while so employed, in respect to the transactions, 33977  
property, business, or mechanical, chemical, or other industrial 33978  
process of any person, firm, corporation, association, or 33979  
partnership to any person other than the director or other 33980

employees of the department of job and family services or, a 33981  
county family services agency ~~or~~, workforce development agency, or 33982  
the commission, as required by the person's duties, or to other 33983  
persons as authorized by the director under section 4141.43 of the 33984  
Revised Code. 33985

Whoever violates this section shall be disqualified from 33986  
holding any appointment or employment by the director ~~or~~, a county 33987  
family services agency ~~or~~, a workforce development agency, or the 33988  
commission. 33989

**Sec. 4141.51.** (A) An employer who wishes to participate in 33990  
the SharedWork Ohio program shall submit a plan to the director of 33991  
job and family services in which the employer does all of the 33992  
following: 33993

(1) Identifies the participating employees by name, social 33994  
security number, affected unit, and normal weekly hours of work; 33995

(2) Describes the manner in which the employer will implement 33996  
the requirements of the SharedWork Ohio program, including the 33997  
proposed reduction percentage, which shall be between ten per cent 33998  
and ~~fifty~~ sixty per cent, and any temporary closure of the 33999  
participating employer's business for equipment maintenance or 34000  
other similar circumstances that the employer knows may occur 34001  
during the effective period of an approved plan; 34002

(3) Includes a plan for giving advance notice, if feasible, 34003  
to an employee whose normal weekly hours of work are to be reduced 34004  
and, if advance notice is not feasible, an explanation of why that 34005  
notice is not feasible; 34006

(4) Includes a certification by the employer that the 34007  
aggregate reduction in the number of hours worked by the employees 34008  
of the employer is in lieu of layoffs and includes an estimate of 34009  
the number of layoffs that would have occurred absent the ability 34010

to participate in the SharedWork Ohio program; 34011

(5) Includes a certification by the employer that if the 34012  
employer provides health benefits and retirement benefits under a 34013  
defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, 34014  
or contributions under a defined contribution plan as defined in 34015  
26 U.S.C. 414(i), as amended, to any employee whose normal weekly 34016  
hours of work are reduced under the program that such benefits 34017  
will continue to be provided to an employee participating in the 34018  
SharedWork Ohio program under the same terms and conditions as 34019  
though the normal weekly hours of work of the employee had not 34020  
been reduced or to the same extent as other employees not 34021  
participating in the program; 34022

(6) Permits eligible employees to participate, as 34023  
appropriate, in training to enhance job skills approved by the 34024  
director, including employer-sponsored training or worker training 34025  
funded under the federal "Workforce Innovation and Opportunity 34026  
Act," 29 U.S.C. 3101 et seq.; 34027

(7) Includes any other information as required by the United 34028  
States secretary of labor or the director under the rules the 34029  
director adopts under section 4141.50 of the Revised Code; 34030

(8) Includes an attestation by the employer that the terms of 34031  
the written plan submitted by the employer and implementation of 34032  
that plan are consistent with obligations of the employer under 34033  
the applicable federal and state laws; 34034

(9) Includes a certification by the employer that the 34035  
employer will promptly notify the director of any change in the 34036  
business that includes the sale or transfer of all or part of the 34037  
business, and that the employer will notify any successor in 34038  
interest to the employer's business prior to the transfer of all 34039  
or part of the business, of the existence of any approved shared 34040  
work plan; 34041

(10) Includes a certification by the employer that, as of the 34042  
date the employer submits the plan, the employer is current on all 34043  
reports and has paid all contributions, reimbursements, interest, 34044  
and penalties due under this chapter; 34045

(11) Includes an assurance from the employer that the 34046  
employer will remain current on all employer reporting and 34047  
payments of contributions, reimbursements, interest, and penalties 34048  
as required by this chapter; 34049

(12) Includes a certification by the employer that none of 34050  
the participating employees are employed on a seasonal, temporary, 34051  
or intermittent basis; 34052

(13) Includes an assurance from the employer that the 34053  
employer will not reduce a participating employee's normal weekly 34054  
hours of work by more than the reduction percentage, except in the 34055  
event of a temporary closure of the employer's business for 34056  
equipment maintenance, or when the employee takes approved time 34057  
off during the week with pay, and the combined work hours and paid 34058  
leave hours equal the number of hours the employee would have 34059  
worked under the plan. 34060

(B) The director shall approve a shared work plan if an 34061  
employer includes in the plan all of the information, 34062  
certifications, and assurances required under division (A) of this 34063  
section. 34064

(C) The director shall approve or deny a shared work plan and 34065  
shall send a written notice to the employer stating whether the 34066  
director approved or denied the plan not later than ~~thirty~~ ten 34067  
days after the director receives the plan. If the director denies 34068  
approval of a shared work plan, the director shall state the 34069  
reasons for denying approval in the written notice sent to the 34070  
employer. 34071

(D) The director shall enforce the requirements of the 34072

SharedWork Ohio program in the same manner as the director 34073  
enforces the requirements of this chapter, including under section 34074  
4141.40 of the Revised Code. 34075

**Sec. 4141.53.** (A) An individual is eligible to receive shared 34076  
work compensation for a week in which the individual satisfies all 34077  
of the following: 34078

(1) The individual is employed by a participating employer 34079  
and is subject to a shared work plan that was approved before that 34080  
week and is in effect for that week. 34081

(2) The individual is available for work and is actively 34082  
seeking work by being available for the individual's normal weekly 34083  
hours of work. 34084

(3) The individual's normal weekly hours of work with the 34085  
participating employer have been reduced by at least ten per cent 34086  
but not more than ~~fifty~~ sixty per cent. 34087

(4) The individual has been employed by an employer or 34088  
employers subject to this chapter in at least twenty qualifying 34089  
weeks within the individual's base period and has earned or been 34090  
paid remuneration at an average weekly wage of not less than 34091  
twenty-seven and one-half per cent of the statewide average weekly 34092  
wage for those weeks. 34093

(5) The individual has been subject to a shared work plan for 34094  
at least one week prior to the week for which the compensation is 34095  
to be paid, or otherwise satisfies the waiting period requirement 34096  
of division (B) of section 4141.29 of the Revised Code for the 34097  
individual's benefit year. 34098

(6) The individual otherwise satisfies the requirements of 34099  
this chapter and is not otherwise disqualified from receiving 34100  
unemployment compensation benefits. 34101

(B) For purposes of division (A)(2) of this section, an 34102

individual is available for the individual's normal weekly hours 34103  
of work with the participating employer if the individual does any 34104  
of the following: 34105

(1) Works the number of weekly hours assigned to the 34106  
individual under an approved shared work plan; 34107

(2) Works fewer hours than the number of weekly hours 34108  
assigned to the individual under an approved shared work plan and 34109  
either of the following apply: 34110

(a) The individual takes approved time off during the week 34111  
with pay, and the combined work hours and paid leave hours equal 34112  
the number of hours the employee would have worked under the plan; 34113

(b) The individual does not take approved time off with pay 34114  
during that week and the reduction in hours was not the fault of 34115  
the individual and was not more than ~~fifty~~ sixty per cent of the 34116  
individual's normal weekly hours of work. 34117

(C)(1) Except as provided in division (C)(2) or (D) of this 34118  
section, the director of job and family services shall pay a 34119  
participating employee who is eligible for weekly shared work 34120  
compensation in an amount equal to the participating employee's 34121  
weekly benefit amount as described in division (B) of section 34122  
4141.30 of the Revised Code for a period of total unemployment, 34123  
multiplied by the reduction percentage specified in the approved 34124  
shared work plan applicable to the participating employee. 34125

(2) The director shall pay a participating employee who is 34126  
eligible for weekly shared work compensation in an amount equal to 34127  
the participating employee's weekly benefit amount as described in 34128  
division (B) of section 4141.30 of the Revised Code for a period 34129  
of total unemployment, multiplied by the percentage by which the 34130  
participating employee's normal weekly hours of work were actually 34131  
reduced during the workweek, if all of the following apply: 34132

(a) The participating employee did not take approved paid 34133

leave during the week. 34134

(b) The participating employee's normal weekly hours of work 34135  
were actually reduced by not less than ten per cent and not 34136  
greater than ~~fifty~~ sixty per cent. 34137

(c) The increase or decrease in the participating employee's 34138  
hours above or below the number of hours assigned to the employee 34139  
in the approved shared work plan was not the fault of the 34140  
employee. 34141

(3) The director shall determine fault for purposes of 34142  
divisions (B)(2)(b) and (C)(2)(c) of this section in the same 34143  
manner that the director makes determinations for benefit rights 34144  
and determines claims for unemployment compensation benefits under 34145  
sections 4141.28 and 4141.281 of the Revised Code. 34146

(4) The director shall round the amount of a shared work 34147  
compensation payment that is not a multiple of one dollar to the 34148  
next lower multiple of one dollar. 34149

(5) No shared work compensation shall be payable during the 34150  
one-week period described in division (A)(5) of this section. 34151

(D) If an individual works for a participating employer and 34152  
another employer during the weeks the individual is covered by an 34153  
approved shared work plan, eligibility for shared work 34154  
compensation is determined as follows: 34155

(1) If the combined number of hours the individual works for 34156  
both the participating employer and the other employer in a week 34157  
exceeds the amount of the individual's normal weekly hours of work 34158  
reduced by ten per cent, the individual is not eligible for shared 34159  
work compensation. 34160

(2) If the combined number of hours the individual works in a 34161  
week for both employers equals the amount of the individual's 34162  
normal weekly hours of work reduced between ten and ~~fifty~~ sixty 34163

per cent, the director shall pay the individual, if the individual 34164  
is otherwise eligible, shared work compensation in an amount equal 34165  
to the individual's weekly benefit amount as described in division 34166  
(B) of section 4141.30 of the Revised Code for a period of total 34167  
unemployment, multiplied by the percentage by which the 34168  
individual's normal weekly hours of work were reduced during the 34169  
week when factoring in both the amount of hours worked for the 34170  
other employer and the amount of hours worked for the 34171  
participating employer. 34172

(E) A participating employee is not entitled to receive 34173  
shared work compensation and unemployment compensation benefits 34174  
that, when combined, exceed the maximum total benefits payable to 34175  
the participating employee in a benefit year under section 4141.30 34176  
of the Revised Code. No participating employee shall be paid 34177  
shared work compensation during the employee's benefit year in an 34178  
amount that exceeds twenty-six times the amount of the employee's 34179  
weekly benefit amount for a period of total unemployment under 34180  
section 4141.30 of the Revised Code. 34181

(F) An individual who has received all of the shared work 34182  
compensation and unemployment compensation benefits available in a 34183  
benefit year is an individual who has exhausted regular benefits 34184  
under section 4141.30 of the Revised Code and is entitled to 34185  
receive extended benefits under section 4141.301 of the Revised 34186  
Code if the individual is otherwise eligible to receive benefits 34187  
under that section. 34188

(G) Except as provided in division (C)(2) of this section, 34189  
the director shall not pay shared work compensation to an 34190  
individual for a week during which the individual performs paid 34191  
work for the individual's participating employer that exceeds or 34192  
falls below the reduced hours established under an approved shared 34193  
work plan that covers the individual. 34194

(H)(1) Except as provided in divisions (H)(2) and (3) of this 34195

section, a participating employee is not eligible to receive 34196  
benefits for being partially unemployed for any week during which 34197  
the individual works as a participating employee. 34198

(2) A participating employee who performs no services during 34199  
a week for the participating employer and who is otherwise 34200  
eligible may be paid benefits for being totally or partially 34201  
unemployed for that week. 34202

(3) A participating employee whose normal weekly hours of 34203  
work are reduced by more than ~~fifty~~ sixty per cent and who is 34204  
otherwise eligible may be paid benefits for partial unemployment 34205  
for that week. 34206

(I) Any payment of total or partial unemployment compensation 34207  
benefits under this section is not a payment of shared work 34208  
compensation under an approved plan but shall be calculated 34209  
against the maximum total benefits payable to the participating 34210  
employee in a benefit year under section 4141.30 of the Revised 34211  
Code. 34212

(J) For purposes of this section and unless another benefit 34213  
year applies to the individual, notwithstanding division (R)(1) of 34214  
section 4141.01 of the Revised Code, a participating employee's 34215  
"benefit year" is the fifty-two week period beginning with the 34216  
first day of that week with respect to which the employee's 34217  
participating employer first files a claim on behalf of the 34218  
participating employee pursuant to division (B) of section 4141.54 34219  
of the Revised Code. 34220

**Sec. 4141.55.** (A) If the state is eligible for and receives 34221  
reimbursement for shared work compensation paid under the 34222  
SharedWork Ohio program from the federal government pursuant to 34223  
the federal "Layoff Prevention Act of 2012," Pub. L. No. 112-96, 34224  
126 Stat. 156, or any other federal law, notwithstanding section 34225  
4141.24 of the Revised Code and if permitted under that act or 34226

other federal law, during the time period in which the state is 34227  
fully or partially reimbursed the account of an employer shall not 34228  
be charged for the portion of any shared work compensation paid to 34229  
a participating employer's participating employees for which the 34230  
state receives reimbursement. If the federal government does not 34231  
provide full reimbursement for shared work compensation paid to an 34232  
individual under section 4141.53 of the Revised Code, the portion 34233  
of shared work compensation paid to that individual that is not 34234  
reimbursed shall be charged in accordance with division (C) of 34235  
this section. 34236

(B) Beginning with the week for which the federal government 34237  
no longer provides reimbursement, or if the state does not receive 34238  
reimbursement or the federal government requires an employer's 34239  
account to be charged, any shared work compensation paid to an 34240  
individual shall be charged in accordance with division (C) of 34241  
this section. 34242

(C) Except as provided in divisions (A) and (B) of this 34243  
section, any shared work compensation paid to an individual under 34244  
section 4141.53 of the Revised Code shall be charged in accordance 34245  
with division (D) of section 4141.24 of the Revised Code. 34246

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 34247  
the Revised Code: 34248

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 34249  
fluid ounces. 34250

(2) "Sale" or "sell" includes exchange, barter, gift, 34251  
distribution, and, except with respect to A-4 permit holders, 34252  
offer for sale. 34253

(B) For the purposes of providing revenues for the support of 34254  
the state and encouraging the grape industries in the state, a tax 34255  
is hereby levied on the sale or distribution of wine in Ohio, 34256

except for known sacramental purposes, at the rate of thirty cents 34257  
per wine gallon for wine containing not less than four per cent of 34258  
alcohol by volume and not more than fourteen per cent of alcohol 34259  
by volume, ninety-eight cents per wine gallon for wine containing 34260  
more than fourteen per cent but not more than twenty-one per cent 34261  
of alcohol by volume, one dollar and eight cents per wine gallon 34262  
for vermouth, and one dollar and forty-eight cents per wine gallon 34263  
for sparkling and carbonated wine and champagne, the tax to be 34264  
paid by the holders of A-2, A-2f, and B-5 permits or by any other 34265  
person selling or distributing wine upon which no tax has been 34266  
paid. From the tax paid under this section on wine, vermouth, and 34267  
sparkling and carbonated wine and champagne, the treasurer of 34268  
state shall credit to the Ohio grape industries fund created under 34269  
section 924.54 of the Revised Code a sum equal to one cent per 34270  
gallon for each gallon upon which the tax is paid. 34271

(C) For the purpose of providing revenues for the support of 34272  
the state, there is hereby levied a tax on prepared and bottled 34273  
highballs, cocktails, cordials, and other mixed beverages at the 34274  
rate of one dollar and twenty cents per wine gallon to be paid by 34275  
holders of A-4 permits or by any other person selling or 34276  
distributing those products upon which no tax has been paid. Only 34277  
one sale of the same article shall be used in computing the amount 34278  
of tax due. The tax on mixed beverages to be paid by holders of 34279  
A-4 permits under this section shall not attach until the 34280  
ownership of the mixed beverage is transferred for valuable 34281  
consideration to a wholesaler or retailer, and no payment of the 34282  
tax shall be required prior to that time. 34283

(D) ~~During the period of July 1, 2019, through June 30, 2021,~~ 34284  
~~from~~ From the tax paid under this section on wine, vermouth, and 34285  
sparkling and carbonated wine and champagne, the treasurer of 34286  
state shall credit to the Ohio grape industries fund created under 34287  
section 924.54 of the Revised Code a sum equal to two cents per 34288

gallon upon which the tax is paid. The amount credited under this 34289  
division is in addition to the amount credited to the Ohio grape 34290  
industries fund under division (B) of this section. 34291

(E) For the purpose of providing revenues for the support of 34292  
the state, there is hereby levied a tax on cider at the rate of 34293  
twenty-four cents per wine gallon to be paid by the holders of 34294  
A-2, A-2f, and B-5 permits or by any other person selling or 34295  
distributing cider upon which no tax has been paid. Only one sale 34296  
of the same article shall be used in computing the amount of the 34297  
tax due. 34298

**Sec. 4303.17.** (A)(1) Permit D-4 may be issued to a club that 34299  
has been in existence for three years or more prior to the 34300  
issuance of the permit to sell beer and any intoxicating liquor to 34301  
its members only, in glass or container, for consumption on the 34302  
premises where sold. The fee for this permit is four hundred 34303  
sixty-nine dollars. 34304

No D-4 permit shall be granted or retained until all elected 34305  
officers of the organization controlling the club have filed with 34306  
the division of liquor control a statement, ~~signed under oath,~~ 34307  
certifying that the club is operated in the interest of the 34308  
membership of a reputable organization, which is maintained by a 34309  
dues paying membership, and setting forth the amount of initiation 34310  
fee and yearly dues. 34311

The roster of membership of a D-4 permit holder shall be 34312  
submitted ~~under oath~~ on at the request of the superintendent of 34313  
liquor control. Any information acquired by the superintendent or 34314  
the division with respect to that membership shall not be open to 34315  
public inspection or examination and may be divulged by the 34316  
superintendent and the division only in hearings before the liquor 34317  
control commission or in a court action in which the division or 34318  
the superintendent is named a party. 34319

(2) The requirement that a club shall have been in existence 34320  
for three years in order to qualify for a D-4 permit does not 34321  
apply to units of organizations chartered by congress or to a 34322  
subsidiary unit of a national fraternal organization if the parent 34323  
organization has been in existence for three years or more at the 34324  
time application for a permit is made by that unit. 34325

(B) No rule or order of the division or commission shall 34326  
prohibit a charitable organization that holds a D-4 permit from 34327  
selling or serving beer or intoxicating liquor under its permit in 34328  
a portion of its premises merely because that portion of its 34329  
premises is used at other times for the conduct of a bingo game as 34330  
described in division (O)(1) of section 2915.01 of the Revised 34331  
Code. However, such an organization shall not sell or serve beer 34332  
or intoxicating liquor or permit beer or intoxicating liquor to be 34333  
consumed or seen in the same location in its premises where a 34334  
bingo game as described in division (O)(1) of section 2915.01 of 34335  
the Revised Code is being conducted while the game is being 34336  
conducted. As used in this division, "charitable organization" has 34337  
the same meaning as in division (H) of section 2915.01 of the 34338  
Revised Code. 34339

(C) Notwithstanding any contrary provision of sections 34340  
4301.32 to 4301.41, division (C)(1) of section 4303.29, and 34341  
section 4305.14 of the Revised Code, the holder of a D-4 permit 34342  
may transfer the location of the permit and sell beer and wine at 34343  
the new location if that location is in an election precinct in 34344  
which the sale of beer and wine, but not spirituous liquor, 34345  
otherwise is permitted by law. 34346

**Sec. 4303.185.** (A) As used in this section: 34347

(1) "Alcoholic beverage" means beer, wine, mixed beverages, 34348  
or spirituous liquor. 34349

(2) "Personal consumer" means an individual who is at least 34350

twenty-one years of age and intends to use a purchased alcoholic beverage for personal consumption only and not for resale or other commercial purposes. 34351  
34352  
34353

(3) "Qualified permit holder" has the same meaning as in section 4301.82 of the Revised Code and also includes an A-3a permit holder. 34354  
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(B)(1) In addition to any other sales authorized by a qualified permit holder's permit, a qualified permit holder may sell alcoholic beverages by the individual drink in sealed, closed containers to a personal consumer for off-premises consumption, including via delivery to the location of the personal consumer. 34357  
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34359  
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(2) If a qualified permit holder sells an alcoholic beverage that contains spirituous liquor under division (B)(1) of this section, the beverage shall not contain more than two ounces of spirituous liquor. 34362  
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(3) A qualified permit holder may only sell alcoholic beverages under division (B)(1) of this section if the permit holder also sells a meal with the alcoholic beverages. 34366  
34367  
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~~(3)~~(4) A qualified permit holder shall not sell more than three alcoholic beverages per meal to any individual under division (B)(1) of this section. 34369  
34370  
34371

(C)(1) A qualified permit holder may only sell types of alcoholic beverages under division (B) of this section that the qualified permit holder is otherwise authorized to sell under the qualified permit holder's permit. 34372  
34373  
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(2) Prior to delivering an alcoholic beverage to a personal consumer under this section, a qualified permit holder, or an employee of the qualified permit holder, shall make a bona fide effort to ensure that the personal consumer is at least twenty-one years of age. 34376  
34377  
34378  
34379  
34380

(3) A qualified permit holder may use an H permit holder to 34381  
make deliveries authorized under this section. 34382

**Sec. 4303.26.** (A) Applications for regular permits authorized 34383  
by sections 4303.02 to 4303.23 of the Revised Code may be filed 34384  
with the division of liquor control. No permit shall be issued by 34385  
the division until fifteen days after the application for it is 34386  
filed. An applicant for the issuance of a new permit shall pay a 34387  
processing fee of one hundred dollars when filing application for 34388  
the permit, if the permit is then available, or shall pay the 34389  
processing fee when a permit becomes available, if it is not 34390  
available when the applicant initially files the application. When 34391  
an application for a new class C or D permit is filed, when class 34392  
C or D permits become available, or when an application for 34393  
transfer of ownership of a class C or D permit or transfer of a 34394  
location of a class C or D permit is filed, no permit shall be 34395  
issued, nor shall the location or the ownership of a permit be 34396  
transferred, by the division until the division notifies the 34397  
legislative authority of the municipal corporation if the business 34398  
or event is or is to be located within the corporate limits of a 34399  
municipal corporation, or the clerk of the board of county 34400  
commissioners and the fiscal officer of the board of township 34401  
trustees in the county in which the business or event is or is to 34402  
be conducted if the business is or is to be located outside the 34403  
corporate limits of a municipal corporation, and an opportunity is 34404  
provided officials or employees of the municipal corporation or 34405  
county and township, who shall be designated by the legislative 34406  
authority or the board of county commissioners or board of 34407  
township trustees, for a complete hearing upon the advisability of 34408  
the issuance, transfer of ownership, or transfer of location of 34409  
the permit. In this hearing, no objection to the issuance, 34410  
transfer of ownership, or transfer of location of the permit shall 34411  
be based upon noncompliance of the proposed permit premises with 34412

local zoning regulations which prohibit the sale of beer or 34413  
intoxicating liquor, in an area zoned for commercial or industrial 34414  
uses, for a permit premises that would otherwise qualify for a 34415  
proper permit issued by the division. 34416

When the division sends notice to the legislative or 34417  
executive authority of the political subdivision, as required by 34418  
this section, the division shall also so notify, by certified 34419  
mail, return receipt requested, or by personal service, the chief 34420  
peace officer of the political subdivision. Upon the request of 34421  
the chief peace officer, the division shall send the chief peace 34422  
officer a copy of the application for the issuance or the transfer 34423  
of ownership or location of the permit and all other documents or 34424  
materials filed by the applicant or applicants in relation to the 34425  
application. The chief peace officer may appear and testify, 34426  
either in person or through a representative, at any hearing held 34427  
on the advisability of the issuance, transfer of ownership, or 34428  
transfer of location of the permit. The hearing shall be held in 34429  
the central office of the division, except that upon written 34430  
request of the legislative authority of the municipal corporation 34431  
or the board of county commissioners or board of township 34432  
trustees, the hearing shall be held in the county seat of the 34433  
county where the applicant's business is or is to be conducted. 34434

If the business or event specified in an application for the 34435  
issuance, transfer of ownership, or transfer of location of any 34436  
regular permit authorized by sections 4303.02 to 4303.23 of the 34437  
Revised Code, except for an F-2 permit, is, or is to be operated, 34438  
within five hundred feet from the boundaries of a parcel of real 34439  
estate having situated on it a school, church, library, public 34440  
playground, or township park, no permit shall be issued, nor shall 34441  
the location or the ownership of a permit be transferred, by the 34442  
division until written notice of the filing of the application 34443  
with the division is served, by certified mail, return receipt 34444

requested, or by personal service, upon the authorities in control 34445  
of the school, church, library, public playground, or township 34446  
park and an opportunity is provided them for a complete hearing 34447  
upon the advisability of the issuance, transfer of ownership, or 34448  
transfer of location of the permit. In this hearing, no objection 34449  
to the issuance, transfer of ownership, or transfer of location of 34450  
the permit shall be based upon the noncompliance of the proposed 34451  
permit premises with local zoning regulations which prohibit the 34452  
sale of beer or intoxicating liquor, in an area zoned for 34453  
commercial or industrial uses, for a permit premises that would 34454  
otherwise qualify for a proper permit issued by the division. Upon 34455  
the written request of any of these authorities, the hearing shall 34456  
be held in the county seat of the county where the applicant's 34457  
business is or is to be conducted. 34458

A request for any hearing authorized by this section shall be 34459  
made no later than thirty days from the time of notification by 34460  
the division. This thirty-day period begins on the date the 34461  
division mails notice to the legislative authority or the date on 34462  
which the division mails notice to or, by personal service, serves 34463  
notice upon, the institution. The division shall conduct a hearing 34464  
if the request for the hearing is postmarked by the deadline date. 34465  
The division may allow, upon cause shown by the requesting 34466  
legislative authority or board, an extension of thirty additional 34467  
days for the legislative authority of the municipal corporation, 34468  
board of township trustees of the township, or board of county 34469  
commissioners of the county in which a permit premises is or is to 34470  
be located to object to the issuance, transfer of ownership, or 34471  
transfer of location of a permit. The request for the extension 34472  
shall be made by the legislative authority or board to the 34473  
division no later than thirty days after the time of notification 34474  
by the division. 34475

(B) When an application for transfer of ownership of a permit 34476

is filed with the division, the division shall give notice of the 34477  
application to the tax commissioner. Within twenty days after 34478  
receiving this notification, the commissioner shall notify the 34479  
division of liquor control and the proposed transferee of the 34480  
permit if the permit holder owes to this state any delinquent 34481  
horse-racing taxes, alcoholic beverage taxes, motor fuel taxes, 34482  
petroleum activity taxes, sales or use taxes, cigarette taxes, 34483  
other tobacco product taxes, income taxes withheld from employee 34484  
compensation, commercial activity taxes, ~~or~~ gross casino revenue 34485  
taxes, or gross receipts taxes levied pursuant to section 5739.101 34486  
of the Revised Code, or has failed to file any corresponding 34487  
returns or submit any information required by the commissioner, as 34488  
required for such taxes, to the extent that any delinquent payment 34489  
or return, or any failure to submit information, is known to the 34490  
department of taxation at the time of the application. The 34491  
division shall not transfer ownership of the permit until payments 34492  
known to be delinquent are resolved, returns known to be 34493  
delinquent are filed, and any information required by the 34494  
commissioner has been provided. As used in this division, 34495  
"resolved" means that the delinquent payment has been paid in full 34496  
or an amount sufficient to satisfy the delinquent payment is in 34497  
escrow for the benefit of the state. The commissioner shall notify 34498  
the division of the resolution. After the division has received 34499  
the notification from the commissioner, the division may proceed 34500  
to transfer ownership of the permit. Nothing in this division 34501  
shall be construed to affect or limit the responsibilities or 34502  
liabilities of the transferor or the transferee imposed by Chapter 34503  
3769., 4301., 4303., 4305., 5735., 5736., 5739., 5741., 5743., 34504  
5747., 5751., or 5753. of the Revised Code. 34505

(C) No F or F-2 permit shall be issued for an event until the 34506  
applicant has, by means of a form that the division shall provide 34507  
to the applicant, notified the chief peace officer of the 34508  
political subdivision in which the event will be conducted of the 34509

date, time, place, and duration of the event. 34510

(D) The division of liquor control shall notify an applicant 34511  
for a permit authorized by sections 4303.02 to 4303.23 of the 34512  
Revised Code of an action pending or judgment entered against a 34513  
liquor permit premises, of which the division has knowledge, 34514  
pursuant to section 3767.03 or 3767.05 of the Revised Code if the 34515  
applicant is applying for a permit at the location of the premises 34516  
that is the subject of the action under section 3767.03 or 34517  
judgment under section 3767.05 of the Revised Code. 34518

**Sec. 4303.271.** (A) Except as provided in divisions (B) and 34519  
(D) of this section, the holder of a permit issued under sections 34520  
4303.02 to 4303.232 of the Revised Code, who files an application 34521  
for the renewal of the same class of permit for the same premises, 34522  
shall be entitled to the renewal of the permit. The division of 34523  
liquor control shall renew the permit unless the division rejects 34524  
for good cause any renewal application, subject to the right of 34525  
the applicant to appeal the rejection to the liquor control 34526  
commission. 34527

(B) The legislative authority of the municipal corporation, 34528  
the board of township trustees, or the board of county 34529  
commissioners of the county in which a permit premises is located 34530  
may object to the renewal of a permit issued under sections 34531  
4303.11 to 4303.183 of the Revised Code for any of the reasons 34532  
contained in division (A) of section 4303.292 of the Revised Code. 34533  
Any objection shall be made no later than thirty days prior to the 34534  
expiration of the permit, and the division shall accept the 34535  
objection if it is postmarked no later than thirty days prior to 34536  
the expiration of the permit. The objection shall be made by a 34537  
resolution specifying the reasons for objecting to the renewal and 34538  
requesting a hearing, but no objection shall be based upon 34539  
noncompliance of the permit premises with local zoning regulations 34540

that prohibit the sale of beer or intoxicating liquor in an area 34541  
zoned for commercial or industrial uses, for a permit premises 34542  
that would otherwise qualify for a proper permit issued by the 34543  
division. The resolution shall be accompanied by a statement by 34544  
the chief legal officer of the political subdivision that, in the 34545  
chief legal officer's opinion, the objection is based upon 34546  
substantial legal grounds within the meaning and intent of 34547  
division (A) of section 4303.292 of the Revised Code. 34548

Upon receipt of a resolution of a legislative authority or 34549  
board objecting to the renewal of a permit and a statement from 34550  
the chief legal officer, the division shall set a time for the 34551  
hearing and send by certified mail to the permit holder, at the 34552  
permit holder's usual place of business, a copy of the resolution 34553  
and notice of the hearing. The division shall then hold a hearing 34554  
in the central office of the division, except that, upon written 34555  
request of the legislative authority or board, the hearing shall 34556  
be held in the county seat of the county in which the permit 34557  
premises is located, to determine whether the renewal shall be 34558  
denied for any of the reasons contained in division (A) of section 34559  
4303.292 of the Revised Code. Only the reasons for refusal 34560  
contained in division (A) of section 4303.292 of the Revised Code 34561  
and specified in the resolution of objection shall be considered 34562  
at the hearing. 34563

The permit holder and the objecting legislative authority or 34564  
board shall be parties to the proceedings under this section and 34565  
shall have the right to be present, to be represented by counsel, 34566  
to offer evidence, to require the attendance of witnesses, and to 34567  
cross-examine witnesses at the hearing. 34568

(C) An application for renewal of a permit shall be filed 34569  
with the division at least fifteen days prior to the expiration of 34570  
an existing permit, and the existing permit shall continue in 34571  
effect as provided in section 119.06 of the Revised Code until the 34572

application is approved or rejected by the division. Any holder of 34573  
a permit, which has expired through failure to be renewed as 34574  
provided in this section, shall obtain a renewal of the permit, 34575  
upon filing an application for renewal with the division, at any 34576  
time within thirty days from the date of the expired permit. A 34577  
penalty of ten per cent of the permit fee shall be paid by the 34578  
permit holder if the application for renewal is not filed at least 34579  
fifteen days prior to the expiration of the permit. 34580

(D)(1) Annually, the tax commissioner shall ~~cause~~ examine the 34581  
department of taxation's records for the horse-racing, alcoholic 34582  
beverage, motor fuel, petroleum activity, sales or use, cigarette, 34583  
other tobacco products, employer withholding, commercial activity, 34584  
and gross casino revenue tax ~~records in the department of taxation~~ 34585  
and gross receipts taxes levied pursuant to section 5739.101 of 34586  
the Revised Code for each holder of a permit issued under sections 34587  
4303.02 to 4303.232 of the Revised Code ~~to be examined~~ to 34588  
determine if the permit holder is delinquent in filing any 34589  
returns, submitting any information required by the commissioner, 34590  
or remitting any payments with respect to those taxes or any fees, 34591  
charges, penalties, or interest related to those taxes. 34592

If any delinquency or liability exists, the commissioner 34594  
shall send a notice of that fact by certified mail, return receipt 34595  
requested, to the permit holder at the mailing address shown in 34596  
the records of the department. The notice shall specify, in as 34597  
much detail as is possible, the periods for which returns have not 34598  
been filed and the nature and amount of unpaid assessments and 34599  
other liabilities and shall be sent on or before the first day of 34600  
the third month preceding the month in which the permit expires. 34601  
The commissioner also shall notify the division of liquor control 34602  
of the delinquency or liability, identifying the permit holder by 34603  
name and permit number. 34604

(2)(a) Except as provided in division (D)(4) of this section, 34605  
the division of liquor control shall not renew the permit of any 34606  
permit holder the tax commissioner has identified as being 34607  
delinquent in filing any returns, providing any information, or 34608  
remitting any payments with respect to the taxes listed in 34609  
division (D)(1) of this section as of the first day of the sixth 34610  
month preceding the month in which the permit expires, or of any 34611  
permit holder the commissioner has identified as having been 34612  
assessed by the department on or before the first day of the third 34613  
month preceding the month in which the permit expires, until the 34614  
division is notified by the commissioner that the delinquency, 34615  
liability, or assessment has been resolved. 34616

(b)(i) Within ninety days after the date on which the permit 34617  
expires, any permit holder whose permit is not renewed under this 34618  
division may file an appeal with the liquor control commission. 34619  
The commission shall notify the tax commissioner regarding the 34620  
filing of any such appeal. During the period in which the appeal 34621  
is pending, the permit shall not be renewed by the division. The 34622  
permit shall be reinstated if the permit holder and the 34623  
commissioner or the attorney general demonstrate to the liquor 34624  
control commission that the commissioner's notification of a 34625  
delinquency or assessment was in error or that the issue of the 34626  
delinquency or assessment has been resolved. 34627

(ii) A permit holder who has filed an appeal under division 34628  
(D)(2)(b)(i) of this section may file a motion to withdraw the 34629  
appeal. The division of liquor control may renew a permit holder's 34630  
permit if the permit holder has withdrawn such an appeal and the 34631  
division receives written certification from the tax commissioner 34632  
that the permit holder's delinquency or assessment has been 34633  
resolved. 34634

(3) A permit holder notified of delinquency or liability 34635  
under this section may protest the notification to the tax 34636

commissioner on the basis that no return or information is 34637  
delinquent and no tax, fee, charge, penalty, or interest is 34638  
outstanding. The commissioner shall expeditiously consider any 34639  
evidence submitted by the permit holder and, if it is determined 34640  
that the notification was in error, immediately shall inform the 34641  
division of liquor control that the renewal application may be 34642  
granted. The renewal shall not be denied if the delinquency or 34643  
unreported liability is the subject of a bona fide dispute as to 34644  
the validity of the delinquency or unreported liability and is the 34645  
subject of an assessment and of an appeal properly filed by the 34646  
permit holder. 34647

(4) If the commissioner concludes that under the 34648  
circumstances the permit holder's delinquency or liability has 34649  
been conditionally resolved, the commissioner shall allow the 34650  
permit to be renewed, conditioned upon the permit holder's 34651  
continuing performance in satisfying the delinquency and 34652  
liability. The conditional nature of the renewal shall be 34653  
specified in the notification given to the division of liquor 34654  
control under division (D)(1) of this section. Upon receipt of 34655  
notice of the resolution, the division shall issue a conditional 34656  
renewal. If the taxpayer defaults on any agreement to pay the 34657  
delinquency or liability or fails to keep subsequent tax or fee 34658  
payments current, the liquor control commission, upon request and 34659  
proof of the default or failure to keep subsequent tax or fee 34660  
payments current, shall indefinitely suspend the permit holder's 34661  
permit until all taxes or fees and interest due are paid. 34662

(5) The commissioner may adopt rules to assist in 34663  
administering the duties imposed by this section. 34664

**Sec. 4505.09.** (A)(1) The clerk of a court of common pleas 34665  
shall charge and retain fees as follows: 34666

(a) Five dollars for each certificate of title that is not 34667

applied for within thirty days after the later of the assignment 34668  
or delivery of the motor vehicle described in it. The entire fee 34669  
shall be retained by the clerk. 34670

(b) Fifteen dollars for each certificate of title or 34671  
duplicate certificate of title including the issuance of a 34672  
memorandum certificate of title, or authorization to print a 34673  
non-negotiable evidence of ownership described in division (G) of 34674  
section 4505.08 of the Revised Code, non-negotiable evidence of 34675  
ownership printed by the clerk under division (H) of that section, 34676  
and notation of any lien on a certificate of title that is applied 34677  
for at the same time as the certificate of title. The clerk shall 34678  
retain eleven dollars and fifty cents of that fee for each 34679  
certificate of title when there is a notation of a lien or 34680  
security interest on the certificate of title, twelve dollars and 34681  
twenty-five cents when there is no lien or security interest noted 34682  
on the certificate of title, and eleven dollars and fifty cents 34683  
for each duplicate certificate of title. 34684

(c) Four dollars and fifty cents for each certificate of 34685  
title with no security interest noted that is issued to a licensed 34686  
motor vehicle dealer for resale purposes and, in addition, a 34687  
separate fee of fifty cents. The clerk shall retain two dollars 34688  
and twenty-five cents of that fee. 34689

(d) Five dollars for each memorandum certificate of title or 34690  
non-negotiable evidence of ownership that is applied for 34691  
separately. The clerk shall retain that entire fee. 34692

(2) The fees that are not retained by the clerk shall be paid 34693  
to the registrar of motor vehicles by monthly returns, which shall 34694  
be forwarded to the registrar not later than the fifth day of the 34695  
month next succeeding that in which the certificate is issued or 34696  
that in which the registrar is notified of a lien or cancellation 34697  
of a lien. 34698

(B)(1) The registrar shall pay twenty-five cents of the amount received for each certificate of title issued to a motor vehicle dealer for resale, one dollar for certificates of title issued with a lien or security interest noted on the certificate of title, and twenty-five cents for each certificate of title with no lien or security interest noted on the certificate of title into the public safety - highway purposes fund established in section 4501.06 of the Revised Code.

(2) Fifty cents of the amount received for each certificate of title shall be paid by the registrar as follows:

(a) Four cents shall be paid into the state treasury to the credit of the motor vehicle dealers board fund, which is hereby created. All investment earnings of the fund shall be credited to the fund. The moneys in the motor vehicle dealers board fund shall be used by the motor vehicle dealers board created under section 4517.30 of the Revised Code, together with other moneys appropriated to it, in the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code, except that the director of budget and management may transfer excess money from the motor vehicle dealers board fund to the public safety - highway purposes fund if the registrar determines that the amount of money in the motor vehicle dealers board fund, together with other moneys appropriated to the board, exceeds the amount required for the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code and requests the director to make the transfer.

(b) ~~Twenty-one~~ Thirty-one cents shall be paid into the highway operating fund created by section 5735.051 of the Revised Code.

(c) ~~Twenty-five~~ Fifteen cents shall be paid into the state treasury to the credit of the motor vehicle sales audit fund, which is hereby created. The moneys in the fund shall be used by

the tax commissioner together with other funds available to the 34731  
commissioner to conduct a continuing investigation of sales and 34732  
use tax returns filed for motor vehicles in order to determine if 34733  
sales and use tax liability has been satisfied. The commissioner 34734  
shall refer cases of apparent violations of section 2921.13 of the 34735  
Revised Code made in connection with the titling or sale of a 34736  
motor vehicle and cases of any other apparent violations of the 34737  
sales or use tax law to the appropriate county prosecutor whenever 34738  
the commissioner considers it advisable. 34739

(3) Two dollars of the amount received by the registrar under 34740  
divisions (A)(1)(a), (b), and (d) of this section and one dollar 34741  
and fifty cents of the amount received by the registrar under 34742  
division (A)(1)(c) of this section for each certificate of title 34743  
shall be paid into the state treasury to the credit of the 34744  
automated title processing fund, which is hereby created and which 34745  
shall consist of moneys collected under division (B)(3) of this 34746  
section and under sections 1548.10 and 4519.59 of the Revised 34747  
Code. All investment earnings of the fund shall be credited to the 34748  
fund. The moneys in the fund shall be used as follows: 34749

(a) Except for moneys collected under section 1548.10 of the 34750  
Revised Code, moneys collected under division (B)(3) of this 34751  
section shall be used to implement and maintain an automated title 34752  
processing system for the issuance of motor vehicle, off-highway 34753  
motorcycle, and all-purpose vehicle certificates of title in the 34754  
offices of the clerks of the courts of common pleas. Those moneys 34755  
also shall be used to pay expenses that arise as a result of 34756  
enabling electronic motor vehicle dealers to directly transfer 34757  
applications for certificates of title under division (A)(3) of 34758  
section 4505.06 of the Revised Code. 34759

(b) Moneys collected under section 1548.10 of the Revised 34760  
Code shall be used to issue marine certificates of title in the 34761  
offices of the clerks of the courts of common pleas as provided in 34762

Chapter 1548. of the Revised Code. 34763

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(4) The registrar shall pay the fifty-cent separate fee 34765  
collected from a licensed motor vehicle dealer under division 34766  
(A)(1)(c) of this section into the title defect recision fund 34767  
created by section 1345.52 of the Revised Code. 34768

(C)(1) The automated title processing board is hereby created 34769  
consisting of the registrar or the registrar's representative, a 34770  
person selected by the registrar, the president of the Ohio clerks 34771  
of court association or the president's representative, and two 34772  
clerks of courts of common pleas appointed by the governor. The 34773  
director of budget and management or the director's designee, the 34774  
chief of the division of parks and watercraft in the department of 34775  
natural resources or the chief's designee, and the tax 34776  
commissioner or the commissioner's designee shall be nonvoting 34777  
members of the board. The purpose of the board is to facilitate 34778  
the operation and maintenance of an automated title processing 34779  
system and approve the procurement of automated title processing 34780  
system equipment and ribbons, cartridges, or other devices 34781  
necessary for the operation of that equipment. Voting members of 34782  
the board, excluding the registrar or the registrar's 34783  
representative, shall serve without compensation, but shall be 34784  
reimbursed for travel and other necessary expenses incurred in the 34785  
conduct of their official duties. The registrar or the registrar's 34786  
representative shall receive neither compensation nor 34787  
reimbursement as a board member. 34788

(2) The automated title processing board shall determine each 34789  
of the following: 34790

(a) The automated title processing equipment and certificates 34791  
of title requirements for each county; 34792

(b) The payment of expenses that may be incurred by the 34793

counties in implementing an automated title processing system; 34794

(c) The repayment to the counties for existing title 34795  
processing equipment; 34796

(d) With the approval of the director of public safety, the 34797  
award of grants from the automated title processing fund to the 34798  
clerk of courts of any county who employs a person who assists 34799  
with the design of, updates to, tests of, installation of, or any 34800  
other activity related to, an automated title processing system. 34801  
Any grant awarded under division (C)(2)(d) of this section shall 34802  
be deposited into the appropriate county certificate of title 34803  
administration fund created under section 325.33 of the Revised 34804  
Code and shall not be used to supplant any other funds. 34805

(3) The registrar shall purchase, lease, or otherwise acquire 34806  
any automated title processing equipment and certificates of title 34807  
that the board determines are necessary from moneys in the 34808  
automated title processing fund established by division (B)(3) of 34809  
this section. 34810

(D) All counties shall conform to the requirements of the 34811  
registrar regarding the operation of their automated title 34812  
processing system for motor vehicle titles, certificates of title 34813  
for off-highway motorcycles and all-purpose vehicles, and 34814  
certificates of title for watercraft and outboard motors. 34815

Sec. 4729.42. (A) Subject to division (B) of this section, if 34816  
use of a protocol that has been developed under this section has 34817  
been authorized under section 4731.90 of the Revised Code, a 34818  
pharmacist, or a pharmacy intern who is practicing under the 34819  
direct supervision of a pharmacist, may dispense tobacco cessation 34820  
drugs without a prescription in accordance with that protocol to 34821  
individuals who are seeking to quit using tobacco-containing 34822  
products. 34823

(B) For a pharmacist or pharmacy intern to be authorized to dispense tobacco cessation drugs under this section, the pharmacist or pharmacy intern shall do both of the following: 34824  
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(1) Successfully complete a course on tobacco cessation therapy that is taught by a provider that is accredited by the accreditation council for pharmacy education, or another provider approved by the state board of pharmacy, and that meets requirements established in rules adopted under this section; 34827  
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(2) Practice in accordance with a protocol that meets the requirements of division (C) of this section. 34832  
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(C) All of the following apply with respect to the protocol required by this section: 34834  
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(1) The protocol shall be established by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 34836  
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(2) The protocol shall specify a definitive set of treatment guidelines and the locations at which a pharmacist or pharmacy intern may dispense tobacco cessation drugs under this section. 34839  
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(3) The protocol shall include provisions for implementation of the following requirements: 34842  
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(a) Use by the pharmacist or pharmacy intern of a screening procedure, recommended by the United States centers for disease control and prevention or another organization approved by the board, to determine if an individual is a good candidate to receive tobacco cessation drugs dispensed as authorized by this section; 34844  
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(b) A requirement that the pharmacist or pharmacy intern refer high-risk individuals or individuals with contraindications to a primary care provider or, as appropriate, to another type of provider; 34850  
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(c) A requirement that the pharmacist or pharmacy intern develop and implement a follow-up care plan in accordance with guidelines specified in rules adopted under this section, including a recommendation by the pharmacist or pharmacy intern that the individual seek additional assistance with behavior change, including assistance from the Ohio tobacco quit line made available by the department of health; 34854  
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(d) A requirement that the pharmacist or pharmacy intern obtain parental or guardian consent, in accordance with procedures specified in rules adopted under this section, before dispensing tobacco cessation drugs to individuals who are younger than eighteen years of age. 34861  
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(4) The protocol shall satisfy any additional requirements established in rules adopted under this section. 34866  
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(D)(1) Documentation related to screening, dispensing, and follow-up care plans shall be maintained in the records of the pharmacy where the pharmacist or pharmacy intern practices. Dispensing of tobacco cessation drugs may be documented on a prescription form, and the form may be assigned a number for recordkeeping purposes. 34868  
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(2) Not later than thirty days after a screening is conducted under this section, the pharmacist or pharmacy intern shall provide notice to the individual's primary care provider, if known, or to the individual if the primary care provider is unknown. The notice shall include results of the screening, and if applicable, the dispensing record and follow-up care plan. 34874  
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A copy of the documentation identified in division (D)(1) of this section shall also be provided to the individual or the individual's primary care provider on request. 34880  
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(E) This section does not affect the authority of a pharmacist or pharmacy intern to fill or refill prescriptions for 34883  
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<u>tobacco cessation drugs.</u>	34885
<u>(F)(1) No pharmacist shall do either of the following:</u>	34886
<u>(a) Dispense tobacco cessation drugs without a prescription</u>	34887
<u>unless the requirements of division (B) of this section have been</u>	34888
<u>met;</u>	34889
<u>(b) Delegate to any person the pharmacist's authority to</u>	34890
<u>engage in or supervise the dispensing of tobacco cessation drugs.</u>	34891
<u>(2) No pharmacy intern shall dispense tobacco cessation drugs</u>	34892
<u>without a prescription unless the requirements of division (B) of</u>	34893
<u>this section have been met.</u>	34894
<u>(G)(1) The board shall adopt rules to implement this section.</u>	34895
<u>The rules shall be adopted in accordance with Chapter 119. of the</u>	34896
<u>Revised Code and shall include all of the following:</u>	34897
<u>(a) Provisions specifying the tobacco cessation drugs that</u>	34898
<u>may be dispensed without a prescription in accordance with a</u>	34899
<u>protocol;</u>	34900
<u>(b) Requirements for courses on tobacco cessation therapy</u>	34901
<u>including requirements that are consistent with any standards</u>	34902
<u>established for such courses by the United States centers for</u>	34903
<u>disease control and prevention;</u>	34904
<u>(c) Requirements for protocols to be followed by pharmacists</u>	34905
<u>and pharmacy interns in dispensing tobacco cessation drugs;</u>	34906
<u>(d) Guidelines for follow-up care plans;</u>	34907
<u>(e) Procedures to be followed by pharmacists and pharmacy</u>	34908
<u>interns in obtaining parental or guardian consent in the case of</u>	34909
<u>individuals who are younger than eighteen years of age.</u>	34910
<u>(2) Prior to adopting rules regarding requirements for</u>	34911
<u>protocols to be followed by pharmacists and pharmacy interns in</u>	34912
<u>dispensing of tobacco cessation drugs, the state board of pharmacy</u>	34913
<u>shall consult with the state medical board.</u>	34914

(3) Prior to adopting rules specifying tobacco cessation drugs that may be dispensed without a prescription in accordance with a protocol, the state board of pharmacy shall consult with the department of health. 34915  
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Sec. 4731.90. A physician who has established a protocol that meets the requirements of section 4729.42 of the Revised Code and the rules adopted under that section may authorize one or more pharmacists and any of the pharmacy interns supervised by the pharmacist or pharmacists to use the protocol for the purpose of dispensing tobacco cessation drugs under section 4729.42 of the Revised Code. 34919  
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**Sec. 4735.05.** (A) The Ohio real estate commission is a part of the department of commerce for administrative purposes. The director of commerce is ex officio the executive officer of the commission, or the director may designate any employee of the department as superintendent of real estate and professional licensing to act as executive officer of the commission. 34926  
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The commission and the real estate appraiser board created pursuant to section 4763.02 of the Revised Code shall each submit to the director a list of three persons whom the commission and the board consider qualified to be superintendent within sixty days after the office of superintendent becomes vacant. The director shall appoint a superintendent from the lists submitted by the commission and the board, and the superintendent shall serve at the pleasure of the director. 34932  
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(B) The superintendent, except as otherwise provided, shall do all of the following in regard to this chapter: 34940  
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(1) Administer this chapter; 34942

(2) Issue all orders necessary to implement this chapter; 34943

(3) Investigate complaints concerning the violation of this 34944

chapter or the conduct of any licensee; 34945

(4) Establish and maintain an investigation and audit section 34946  
to investigate complaints and conduct inspections, audits, and 34947  
other inquiries as in the judgment of the superintendent are 34948  
appropriate to enforce this chapter. The investigators or auditors 34949  
have the right to review and audit the business records of 34950  
licensees and continuing education course providers during normal 34951  
business hours. 34952

(5) Appoint a hearing examiner for any proceeding involving 34953  
disciplinary action under section 3123.47, 4735.052, or 4735.18 of 34954  
the Revised Code; 34955

(6) Administer the real estate recovery fund. 34956

(C) The superintendent may do all of the following: 34957

(1) In connection with investigations and audits under 34958  
division (B) of this section, subpoena witnesses as provided in 34959  
section 4735.04 of the Revised Code; 34960

(2) Apply to the appropriate court to enjoin any violation of 34961  
this chapter. Upon a showing by the superintendent that any person 34962  
has violated or is about to violate any provision of this chapter, 34963  
the court shall grant an injunction, restraining order, or other 34964  
appropriate order. 34965

(3) ~~Upon~~ Recommend the appointment of an ancillary trustee 34966  
who is qualified as determined by the superintendent in any of the 34967  
following instances: 34968

(a) Upon the death of a licensed broker ~~or the revocation or~~ 34969  
~~suspension of the broker's license,~~ if there is no other licensed 34970  
broker within the ~~business entity of the broker~~ brokerage, appoint 34971  
upon application by any interested party, ~~or, in the case of a~~ 34972  
~~deceased broker,~~ subject to the approval by the appropriate 34973  
probate court, ~~recommend the appointment of, an ancillary trustee~~ 34974

~~who is qualified as determined by the superintendent to conclude~~ 34975  
~~the business transactions of the deceased, revoked, or suspended~~ 34976  
~~broker;~~ 34977

(b) Upon the revocation of a licensed broker, if there is no 34978  
other licensed broker within the brokerage, to conclude the 34979  
business transactions of the revoked broker; 34980

(c) Upon the incapacitation, suspension, or incarceration of 34981  
a licensed broker, if there is no other licensed broker within the 34982  
brokerage, to continue the business transactions of the brokerage 34983  
for a period of time not to exceed the period of incapacitation, 34984  
suspension, or incarceration. 34985

(4) In conjunction with the enforcement of this chapter, when 34986  
the superintendent of real estate has reasonable cause to believe 34987  
that an applicant or licensee has committed a criminal offense, 34988  
the superintendent of real estate may request the superintendent 34989  
of the bureau of criminal identification and investigation to 34990  
conduct a criminal records check of the applicant or licensee. The 34991  
superintendent of the bureau of criminal identification and 34992  
investigation shall obtain information from the federal bureau of 34993  
investigation as part of the criminal records check of the 34994  
applicant or licensee. The superintendent of real estate may 34995  
assess the applicant or licensee a fee equal to the fee assessed 34996  
for the criminal records check. 34997

(5) In conjunction with the enforcement of this chapter, 34998  
issue advisory letters in lieu of initiating disciplinary action 34999  
under section 4735.051 or 4735.052 of the Revised Code or issuing 35000  
a citation under section 4735.16 or 4735.181 of the Revised Code. 35001

(D) All information that is obtained by investigators and 35002  
auditors performing investigations or conducting inspections, 35003  
audits, and other inquiries pursuant to division (B)(4) of this 35004  
section, from licensees, complainants, or other persons, and all 35005

reports, documents, and other work products that arise from that 35006  
information and that are prepared by the investigators, auditors, 35007  
or other personnel of the department, shall be held in confidence 35008  
by the superintendent, the investigators and auditors, and other 35009  
personnel of the department. Notwithstanding division (D) of 35010  
section 2317.023 of the Revised Code, all information obtained by 35011  
investigators or auditors from an informal mediation meeting held 35012  
pursuant to section 4735.051 of the Revised Code, including but 35013  
not limited to the agreement to mediate and the accommodation 35014  
agreement, shall be held in confidence by the superintendent, 35015  
investigators, auditors, and other personnel of the department. 35016

(E) This section does not prevent the division of real estate 35017  
and professional licensing from releasing information relating to 35018  
licensees to the superintendent of financial institutions for 35019  
purposes relating to the administration of Chapter 1322. of the 35020  
Revised Code, to the superintendent of insurance for purposes 35021  
relating to the administration of Chapter 3953. of the Revised 35022  
Code, to the attorney general, or to local law enforcement 35023  
agencies and local prosecutors. Information released by the 35024  
division pursuant to this section remains confidential. 35025

**Sec. 4735.14.** (A) Each license issued under this chapter, 35026  
shall be valid without further recommendation or examination until 35027  
it is placed in an inactive or resigned status, is revoked or 35028  
suspended, or such license expires by operation of law. 35029

(B) Except for a licensee who has placed the licensee's 35030  
license in resigned status pursuant to section 4735.142 of the 35031  
Revised Code, each licensed broker, brokerage, or salesperson 35032  
shall file, on or before the date the Ohio real estate commission 35033  
has adopted by rule for that licensee in accordance with division 35034  
(A)(2)(f) of section 4735.10 of the Revised Code, a notice of 35035  
renewal on a form prescribed by the superintendent of real estate. 35036

The notice of renewal shall be mailed by the superintendent two 35037  
months prior to the filing deadline to the personal residence 35038  
address of each broker or salesperson that is on file with the 35039  
division. If the licensee is a partnership, association, limited 35040  
liability company, limited liability partnership, or corporation, 35041  
the notice of renewal shall be mailed by the superintendent two 35042  
months prior to the filing deadline to the brokerage's business 35043  
address on file with the division. A licensee shall not renew the 35044  
licensee's license any earlier than two months prior to the filing 35045  
deadline. 35046

(C) Except as otherwise provided in division (B) of this 35047  
section, the license of any real estate broker, brokerage, or 35048  
salesperson that fails to file a notice of renewal on or before 35049  
the filing deadline of each ensuing year shall be suspended 35050  
automatically without the taking of any action by the 35051  
superintendent. A suspended license may be reactivated within 35052  
twelve months of the date of suspension, provided that the renewal 35053  
fee plus a penalty fee of fifty per cent of the renewal fee is 35054  
paid to the superintendent. Failure to reactivate the license as 35055  
provided in this division shall result in automatic revocation of 35056  
the license without the taking of any action by the 35057  
superintendent. No person, partnership, association, corporation, 35058  
limited liability company, or limited partnership shall engage in 35059  
any act or acts for which a real estate license is required while 35060  
that entity's license is placed in an inactive or resigned status, 35061  
or is suspended, or revoked. The commission shall adopt rules in 35062  
accordance with Chapter 119. of the Revised Code to provide to 35063  
licensees notice of suspension or revocation or both. 35064

(D) Each licensee shall notify the superintendent of a change 35065  
in personal residence address within thirty days after the change 35066  
of location. A licensee's failure to notify the superintendent of 35067  
a change in personal residence address does not negate the 35068

requirement to file the license renewal by the required deadline 35069  
established by the commission by rule under division (A)(2)(f) of 35070  
section 4735.10 of the Revised Code. Each licensee shall maintain 35071  
a valid electronic mail address on file with the division and 35072  
notify the superintendent of any change in electronic mail address 35073  
within thirty days after the change. 35074

(E) The superintendent shall not renew a license if the 35075  
licensee fails to comply with section 4735.141 of the Revised Code 35076  
or is otherwise not in compliance with this chapter. 35077

(F) The superintendent shall make notice of successful 35078  
renewal available electronically to licensees as soon as 35079  
practicable, but not later than thirty days after receipt by the 35080  
division of a complete application and renewal fee. This notice 35081  
shall serve as a notice of renewal for purposes of section 4745.02 35082  
of the Revised Code. 35083

**Sec. 4735.15.** (A) The nonrefundable fees for reactivation or 35084  
transfer of a license shall be as follows: 35085

(1) Reactivation or transfer of a broker's license into or 35086  
out of a partnership, association, limited liability company, 35087  
limited liability partnership, or corporation or from one 35088  
partnership, association, limited liability company, limited 35089  
liability partnership, or corporation to another partnership, 35090  
association, limited liability company, limited liability 35091  
partnership, or corporation, thirty-four dollars. An application 35092  
for such transfer shall be made to the superintendent of real 35093  
estate on forms provided by the superintendent. 35094

(2) Reactivation or transfer of a license by a real estate 35095  
salesperson, thirty-four dollars. 35096

(B) Except as may otherwise be specified pursuant to division 35097  
(F) of this section or any rules adopted by the Ohio real estate 35098

commission pursuant to division (A)(2)(b) of section 4735.10 of 35099  
the Revised Code, the nonrefundable fees are as follows for each 35100  
licensing period: 35101

(1) Branch office license, twenty dollars; 35102

(2) Renewal of a three-year real estate broker's license, two 35103  
hundred forty-three dollars. If the licensee is a partnership, 35104  
association, limited liability company, limited liability 35105  
partnership, or corporation, the full broker's renewal fee shall 35106  
be required for each member of such partnership, association, 35107  
limited liability company, limited liability partnership, or 35108  
corporation that is a real estate broker. If the real estate 35109  
broker has not less than eleven nor more than twenty real estate 35110  
salespersons associated with the broker, an additional fee of 35111  
sixty-four dollars shall be assessed to the brokerage. For every 35112  
additional ten real estate salespersons or fraction of that 35113  
number, the brokerage assessment fee shall be increased in the 35114  
amount of thirty-seven dollars. 35115

(3) Renewal of a three-year real estate salesperson's 35116  
license, one hundred eighty-two dollars; 35117

(4) Renewal of a real estate broker's or salesperson's 35118  
license filed within twelve months after the licensee's renewal 35119  
date, an additional late filing penalty of fifty per cent of the 35120  
required three-year fee; 35121

(5) Foreign real estate dealer's license and each renewal of 35122  
the license, thirty dollars per salesperson employed by the 35123  
dealer, but not less than two hundred three dollars; 35124

(6) Foreign real estate salesperson's license and each 35125  
renewal of the license, sixty-eight dollars. 35126

(C) All fees collected under this section shall be paid to 35127  
the treasurer of state. One dollar of each such fee shall be 35128  
credited to the real estate education and research fund, except 35129

that for fees that are assessed only once every three years, ~~three~~ 35130  
~~dollars~~ one dollar and fifty cents of each triennial fee shall be 35131  
credited to the real estate education and research fund. 35132

(D) In all cases, the fee and any penalty shall accompany the 35133  
application for the license, license transfer, or license 35134  
reactivation or shall accompany the filing of the renewal. 35135

(E) The commission may establish by rule reasonable fees for 35136  
services not otherwise established by this chapter. 35137

(F) The commission may adopt rules that provide for a 35138  
reduction in the fees established in divisions (B)(2) and (3) of 35139  
this section. 35140

**Sec. 4735.211.** All fines imposed under section 4735.051 of 35141  
the Revised Code, and all fees and charges collected under 35142  
sections 4735.06, 4735.09, 4735.13, 4735.15, 4735.25, 4735.27, 35143  
4735.28, and 4735.29 of the Revised Code, except such fees as are 35144  
paid to the real estate education and research fund and real 35145  
estate recovery fund as provided in this chapter, shall be paid 35146  
into the state treasury to the credit of the division of real 35147  
estate operating fund, which is hereby created. All operating 35148  
expenses of the division of real estate shall be paid from the 35149  
division of real estate operating fund. 35150

The division of real estate operating fund shall be assessed 35151  
a proportionate share of the administrative costs of the 35152  
department of commerce in accordance with procedures prescribed by 35153  
the director of commerce ~~and approved by the director of budget~~ 35154  
~~and management~~. Such assessments shall be paid from the division 35155  
of real estate operating fund to the division of administration 35156  
fund. 35157

If funds in the division of real estate operating fund are 35158  
determined by the director of commerce to be in excess of those 35159

necessary to fund all the expenses of the division in any 35160  
biennium, the director may pay the excess funds to the real estate 35161  
education and research fund. 35162

**Sec. 4755.01.** (A) There is hereby created the Ohio 35163  
occupational therapy, physical therapy, and athletic trainers 35164  
board consisting of sixteen residents of this state, who shall be 35165  
appointed by the governor with the advice and consent of the 35166  
senate. The board shall be composed of a physical therapy section, 35167  
an occupational therapy section, and an athletic trainers section. 35168

(1) Five members of the board shall be physical therapists 35169  
who are licensed to practice physical therapy and who have been 35170  
engaged in or actively associated with the practice of physical 35171  
therapy in this state for at least five years immediately 35172  
preceding appointment. Such members of the board shall sit on the 35173  
physical therapy section. The physical therapy section also shall 35174  
consist of four additional members, appointed by the governor with 35175  
the advice and consent of the senate, who satisfy the same 35176  
qualifications as the members of the board sitting on the physical 35177  
therapy section, but who are not members of the board. Of the 35178  
additional physical therapy section members whose terms commence 35179  
on August 28, 2007, one shall be for a term of one year, one for a 35180  
term of two years, one for a term of three years, and one for a 35181  
term of four years. Such additional members of the physical 35182  
therapy section are vested with only such powers and shall perform 35183  
only such duties as relate to the affairs of that section. 35184

(2) Four members of the board shall be occupational 35185  
therapists and one member shall be a licensed occupational therapy 35186  
assistant, all of whom have been engaged in or actively associated 35187  
with the practice of occupational therapy or practice as an 35188  
occupational therapy assistant in this state for at least five 35189  
years immediately preceding appointment. Such members of the board 35190

shall sit on the occupational therapy section. 35191

(3) Four members of the board shall be athletic trainers who 35192  
have been engaged in the practice of athletic training in Ohio for 35193  
at least five years immediately preceding appointment. One member 35194  
of the board shall be a physician licensed to practice medicine 35195  
and surgery in this state. Such members of the board shall sit on 35196  
the athletic trainers section. 35197

(4) One member of the board shall represent the public. This 35198  
member shall sit on the board and shall attend each year at least 35199  
three meetings of the physical therapy section, three meetings of 35200  
the occupational therapy section, and three meetings of the 35201  
athletic trainers section. 35202

(B) Except for the terms of office specified in division 35203  
(A)(1) of this section for the additional members of the physical 35204  
therapy section commencing on August 28, 2007, terms for the 35205  
members of the board and the additional members of the physical 35206  
therapy section are for three years. Each member's term shall 35207  
commence on the twenty-eighth day of August and end on the 35208  
twenty-seventh day of August. Each member shall serve subsequent 35209  
to the expiration of the member's term until the member's 35210  
successor is appointed and qualifies, or until a period of ~~sixty~~ 35211  
ninety days has elapsed, whichever occurs first. A member shall 35212  
not serve for more than three consecutive terms. All vacancies 35213  
shall be filled in the manner prescribed for the regular 35214  
appointments and are limited to the unexpired terms. 35215

(C) Each member of the board and each additional member of 35216  
the physical therapy section, before entering upon the official 35217  
duties of office, shall do both of the following: 35218

(1) Subscribe to and file with the secretary of state the 35219  
constitutional oath of office; 35220

(2) Sign and file with the executive director of the board a 35221

notarized statement that the member has read and understands 35222  
sections 121.22 and 149.43 of the Revised Code and the provisions 35223  
of Chapter 119. of the Revised Code that are applicable to the 35224  
duties of the board. 35225

(D) Annually, upon the qualification of the member or members 35226  
appointed in that year, the board shall organize by selecting from 35227  
its members a president and secretary. Each section of the board 35228  
shall independently organize by selecting from its members a 35229  
chairperson and secretary. 35230

(E) A majority of the members of the board constitutes a 35231  
quorum to transact and vote on the business of the board. A 35232  
majority of the members of each section constitutes a quorum to 35233  
transact and vote on the affairs of that section. 35234

(F) Each member of the board and each additional member of 35235  
the physical therapy section shall receive an amount fixed 35236  
pursuant to division (J) of section 124.15 of the Revised Code for 35237  
each day employed in the discharge of official duties. In 35238  
addition, each member of the board and each additional member of 35239  
the physical therapy section shall receive the member's actual and 35240  
necessary expenses incurred in the performance of official duties. 35241

(G) The board of trustees of the Ohio occupational therapy 35242  
association may recommend, after any term expires or vacancy 35243  
occurs in an occupational therapy position, at least three persons 35244  
to fill each such position or vacancy on the board, and the 35245  
governor may make the appointment from the persons so recommended. 35246  
The executive board of the Ohio chapter of the American physical 35247  
therapy association may recommend, after any term expires or 35248  
vacancy occurs in a physical therapy position, at least three 35249  
persons to fill each such vacancy on the board, and the governor 35250  
may make appointments from the persons so recommended. The Ohio 35251  
athletic trainers association shall recommend to the governor at 35252  
least three persons when any term expires or any vacancy occurs in 35253

an athletic trainer position. The governor may select one of the 35254  
association's recommendations in making such an appointment. 35255

(H) The board shall meet as a whole to determine all 35256  
administrative, personnel, and budgetary matters. The executive 35257  
director of the board appointed by the board shall not be a 35258  
physical therapist, an occupational therapist, or an athletic 35259  
trainer who has been licensed to practice physical therapy, 35260  
occupational therapy, or as an athletic trainer in this state 35261  
within three years immediately preceding appointment. The 35262  
executive director shall execute, under the direction of the 35263  
board, the policies, orders, directives, and administrative 35264  
functions of the board and shall direct, under rules adopted by 35265  
the board, the work of all persons employed by the board. Upon the 35266  
request of the board, the executive director shall report to the 35267  
board on any matter. The executive director shall serve at the 35268  
pleasure of the board. 35269

(I) The occupational therapy section of the board shall have 35270  
the authority to act on behalf of the board on matters concerning 35271  
the practice of occupational therapy and, in particular, the 35272  
examination of applicants, the issuance of licenses ~~and limited~~ 35273  
~~permits~~, and the suspension or revocation of licenses ~~and limited~~ 35274  
~~permits~~ to practice as an occupational therapist or occupational 35275  
therapy assistant. The physical therapy section of the board shall 35276  
have the authority to act on behalf of the board on matters 35277  
concerning the practice of physical therapy and, in particular, 35278  
the examination, licensure, and suspension or revocation of 35279  
licensure of applicants, physical therapists, and physical 35280  
therapist assistants. The athletic trainers section of the board 35281  
shall have the authority to act on behalf of the board on matters 35282  
concerning the practice of athletic training and, in particular, 35283  
the examination, licensure, and suspension or revocation of 35284  
licensure of applicants and athletic trainers. All actions taken 35285

by any section of the board under this division shall be in 35286  
accordance with Chapter 119. of the Revised Code. 35287

**Sec. 4755.02.** (A) The appropriate section of the Ohio 35288  
occupational therapy, physical therapy, and athletic trainers 35289  
board shall investigate compliance with this chapter or any rule 35290  
or order issued under this chapter and shall investigate alleged 35291  
grounds for the suspension, revocation, or refusal to issue or 35292  
renew licenses ~~or limited permits~~ under section 3123.47, 4755.11, 35293  
4755.47, or 4755.64 of the Revised Code. The appropriate section 35294  
may subpoena witnesses and documents in connection with its 35295  
investigations. 35296

(B) Through the attorney general or an appropriate 35297  
prosecuting attorney, the appropriate section may apply to an 35298  
appropriate court for an order enjoining the violation of this 35299  
chapter. On the filing of a verified petition, the court shall 35300  
conduct a hearing on the petition and give the same preference to 35301  
the proceeding as is given to all proceedings under Chapter 119. 35302  
of the Revised Code, irrespective of the position of the 35303  
proceeding on the court's calendar. On a showing that a person has 35304  
violated or is about to violate this chapter, the court shall 35305  
grant an injunction, restraining order, or other order as 35306  
appropriate. The injunction proceedings provided by this division 35307  
are in addition to all penalties and other remedies provided in 35308  
this chapter. 35309

(C) When requested by the appropriate section, the 35310  
prosecuting attorney of a county, or the village solicitor or city 35311  
director of law of a municipal corporation, where a violation of 35312  
this chapter allegedly occurs, shall take charge of and conduct 35313  
the prosecution. 35314

(D) The appropriate section may employ investigators who 35315  
shall investigate complaints, conduct inspections, and make 35316

inquiries as in the judgment of the section are appropriate to 35317  
enforce sections 3123.41 to 3123.50 of the Revised Code or this 35318  
chapter. These investigators have the right to review, obtain 35319  
copies, and audit the patient records and personnel files of 35320  
licensees ~~and limited permit holders~~ at the place of business of 35321  
the licensees ~~or limited permit holders~~ or any other place where 35322  
such documents may be and shall be given access to such documents 35323  
during normal business hours. 35324

(E)(1) Subject to division (E)(2) of this section, 35325  
information and records received or generated by the board 35326  
pursuant to an investigation are confidential, are not public 35327  
records as defined in section 149.43 of the Revised Code, and are 35328  
not subject to discovery in any civil or administrative action. 35329

(2) For good cause, the board may disclose information 35330  
gathered pursuant to an investigation to any federal, state, or 35331  
local law enforcement, prosecutorial, or regulatory agency or its 35332  
officers or agents engaging in an investigation the board believes 35333  
is within the agency's jurisdiction. An agency that receives 35334  
confidential information shall comply with the same requirements 35335  
regarding confidentiality as those with which the board must 35336  
comply, notwithstanding any conflicting provision of the Revised 35337  
Code or procedure of the agency that applies when the agency is 35338  
dealing with other information in its possession. The information 35339  
may be admitted into evidence in a criminal trial in accordance 35340  
with the Rules of Evidence, or in an administrative hearing 35341  
conducted by an agency, but the court or agency shall require that 35342  
appropriate measures be taken to ensure that confidentiality is 35343  
maintained with respect to any part of the information that 35344  
contains names or other identifying information about patients, 35345  
complainants, or others whose confidentiality was protected by the 35346  
board when the information was in the board's possession. Measures 35347  
to ensure confidentiality that may be taken by the court or agency 35348

include sealing its records or redacting specific information from 35349  
its records. 35350

(F) The appropriate section shall conduct hearings, keep 35351  
records and minutes, and enforce the relevant sections of this 35352  
chapter. 35353

(G) Each section of the board shall publish and make 35354  
available, upon request and for a fee not to exceed the actual 35355  
cost of printing and mailing, the licensure standards prescribed 35356  
by the relevant sections of this chapter and the Administrative 35357  
Code. 35358

(H) The board shall submit to the governor and to the general 35359  
assembly each year a report of all its official actions during the 35360  
preceding year, together with any recommendations and findings 35361  
with regard to the status of the professions of physical therapy, 35362  
occupational therapy, and athletic training. 35363

**Sec. 4755.04.** As used in sections 4755.04 to 4755.13 and 35364  
section 4755.99 of the Revised Code: 35365

(A) "Occupational therapy" means the therapeutic use of 35366  
everyday life activities or occupations with individuals or groups 35367  
for the purpose of participation in roles and situations in the 35368  
home, school, workplace, community, and other settings. The 35369  
practice of occupational therapy includes all of the following: 35370

(1) Methods or strategies selected to direct the process of 35371  
interventions, including, but not limited to, establishment, 35372  
remediation, or restoration of a skill or ability that has not yet 35373  
developed or is impaired and compensation, modification, or 35374  
adaptation of activity or environment to enhance performance; 35375

(2) Evaluation of factors affecting activities of daily 35376  
living, instrumental activities of daily living, education, work, 35377  
play, leisure, and social participation, including, but not 35378

limited to, sensory motor abilities, vision, perception, 35379  
cognition, psychosocial, and communication and interaction skills; 35380

(3) Interventions and procedures to promote or enhance safety 35381  
and performance in activities of daily living, education, work, 35382  
play, leisure, and social participation, including, but not 35383  
limited to, application of physical agent modalities, use of a 35384  
range of specific therapeutic procedures to enhance performance 35385  
skills, rehabilitation of driving skills to facilitate community 35386  
mobility, and management of feeding, eating, and swallowing to 35387  
enable eating and feeding performance; 35388

(4) Consultative services, case management, and education of 35389  
patients, clients, or other individuals to promote 35390  
self-management, home management, and community and work 35391  
reintegration; 35392

(5) Designing, fabricating, applying, recommending, and 35393  
instructing in the use of selected orthotic or prosthetic devices 35394  
and other equipment which assists the individual to adapt to the 35395  
individual's potential or actual impairment; 35396

(6) Administration of topical drugs that have been prescribed 35397  
by a licensed health professional authorized to prescribe drugs, 35398  
as defined in section 4729.01 of the Revised Code. 35399

(B) "Occupational therapist" means a person who is licensed 35400  
~~or holds a limited permit~~ to practice occupational therapy and who 35401  
offers such services to the public under any title incorporating 35402  
the words "occupational therapy," "occupational therapist," or any 35403  
similar title or description of services. 35404

(C) "Occupational therapy assistant" means a person who holds 35405  
a license ~~or limited permit~~ to provide occupational therapy 35406  
techniques under the general supervision of an occupational 35407  
therapist. 35408

**Sec. 4755.05.** No person who does not hold a current license 35409  
~~or limited permit~~ under sections 4755.04 to 4755.13 of the Revised 35410  
Code shall practice or offer to practice occupational therapy, or 35411  
use in connection with the person's name, or otherwise assume, 35412  
use, or advertise, any title, initials, or description tending to 35413  
convey the impression that the person is an occupational therapist 35414  
or an occupational therapy assistant. No partnership, association, 35415  
or corporation shall advertise or otherwise offer to provide or 35416  
convey the impression that it is providing occupational therapy 35417  
unless an individual holding a current license ~~or limited permit~~ 35418  
under sections 4755.04 to 4755.13 of the Revised Code is or will 35419  
at the appropriate time be rendering the occupational therapy 35420  
services to which reference is made. 35421

**Sec. 4755.06.** The occupational therapy section of the Ohio 35422  
occupational therapy, physical therapy, and athletic trainers 35423  
board may make reasonable rules in accordance with Chapter 119. of 35424  
the Revised Code relating to, but not limited to, the following: 35425

(A) The form and manner for filing applications for licensure 35426  
under sections 4755.04 to 4755.13 of the Revised Code; 35427

(B) The issuance, suspension, and revocation of the licenses 35428  
and the conducting of investigations and hearings; 35429

(C) Standards for approval of courses of study relative to 35430  
the practice of occupational therapy; 35431

(D) The time and form of examination for the licensure; 35432

(E) Standards of ethical conduct in the practice of 35433  
occupational therapy; 35434

(F) The form and manner for filing applications for renewal 35435  
and a schedule of deadlines for renewal; 35436

(G) The conditions under which a license of a licensee who 35437

files a late application for renewal will be reinstated; 35438

~~(H) Placing an existing license in escrow;~~ 35439

~~(I)~~ The amount, scope, and nature of continuing education 35440  
activities required for license renewal, including waivers of the 35441  
continuing education requirements; 35442

~~(J) Guidelines for limited permits;~~ 35443

~~(K)~~(I) Requirements for criminal records checks of applicants 35444  
under section 4776.03 of the Revised Code; 35445

~~(L)~~(J) Subject to section 4755.061 of the Revised Code, the 35446  
amount for each fee specified in section 4755.12 of the Revised 35447  
Code that the section charges; 35448

~~(M)~~(K) The amount and content of corrective action courses 35449  
required by the board under section 4755.11 of the Revised Code. 35450

The section may hear testimony in matters relating to the 35451  
duties imposed upon it, and the chairperson and secretary of the 35452  
section may administer oaths. The section may require proof, 35453  
beyond the evidence found in the application, of the honesty, 35454  
truthfulness, and good reputation of any person named in an 35455  
application for licensure, before admitting the applicant to an 35456  
examination or issuing a license. 35457

**Sec. 4755.08.** The occupational therapy section of the Ohio 35458  
occupational therapy, physical therapy, and athletic trainers 35459  
board shall issue a license to every applicant who has passed the 35460  
appropriate examination designated by the section and who 35461  
otherwise complies with the licensure requirements of sections 35462  
4755.04 to 4755.13 of the Revised Code. The license entitles the 35463  
holder to practice occupational therapy or to assist in the 35464  
practice of occupational therapy. The licensee shall display the 35465  
license in a conspicuous place at the licensee's principal place 35466  
of business. 35467

~~The section may issue a limited permit to persons who have satisfied the requirements of divisions (A) to (C) of section 4755.07 of the Revised Code. This permit allows the person to practice as an occupational therapist or occupational therapy assistant under the supervision of a licensed occupational therapist and is valid until the date on which the results of the examination are made public. This limited permit shall not be renewed if the applicant has failed the examination.~~

**Sec. 4755.11.** (A) In accordance with Chapter 119. of the Revised Code, the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or refuse to issue or renew an occupational therapist license, or occupational therapy assistant license, ~~occupational therapist limited permit, occupational therapy assistant limited permit,~~ or may reprimand, fine, place a license ~~or limited permit~~ holder on probation, or require the license ~~or limited permit~~ holder to take corrective action courses, for any of the following:

(1) Conviction of, or a judicial finding of eligibility for intervention in lieu of conviction for, an offense involving moral turpitude or a felony, regardless of the state or country in which the conviction or finding occurred;

(2) Violation of any provision of sections 4755.04 to 4755.13 of the Revised Code;

(3) Violation of any lawful order or rule of the occupational therapy section;

(4) Obtaining or attempting to obtain a license ~~or limited permit~~ issued by the occupational therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading ~~statements~~ statement in relation to these activities;

(5) Negligence, unprofessional conduct, or gross misconduct in the practice of the profession of occupational therapy;	35499 35500
(6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;	35501 35502
(7) Communicating, without authorization, information received in professional confidence;	35503 35504
(8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist, <u>or</u> occupational therapy assistant, <del>occupational therapist limited permit holder, or</del> <del>occupational therapy assistant limited permit holder;</del>	35505 35506 35507 35508 35509
(9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent;	35510 35511
(10) Failing the licensing or Ohio jurisprudence examination;	35512
(11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;	35513 35514
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	35515 35516 35517 35518
(13) Except as provided in division (B) of this section:	35519
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	35520 35521 35522 35523 35524 35525
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or	35526 35527 35528

plan that covers occupational therapy, would otherwise be required 35529  
to pay. 35530

(14) Working or representing oneself as an occupational 35531  
therapist, or occupational therapy assistant, ~~occupational~~ 35532  
~~therapist limited permit holder, or occupational therapy assistant~~ 35533  
~~limited permit holder~~ without a current and valid license ~~or~~ 35534  
~~limited permit~~ issued by the occupational therapy section; 35535

(15) Engaging in a deceptive trade practice, as defined in 35536  
section 4165.02 of the Revised Code; 35537

(16) Violation of the standards of ethical conduct in the 35538  
practice of occupational therapy as identified by the occupational 35539  
therapy section; 35540

(17) A departure from, or the failure to conform to, minimal 35541  
standards of care required of licensees ~~or limited permit holders~~, 35542  
whether or not actual injury to a patient is established; 35543

(18) An adjudication by a court that the applicant, or 35544  
licensee, ~~or limited permit holder~~ is incompetent for the purpose 35545  
of holding a license ~~or limited permit~~ and has not thereafter been 35546  
restored to legal capacity for that purpose; 35547

(19)(a) Except as provided in division (A)(19)(b) of this 35548  
section, failure to cooperate with an investigation conducted by 35549  
the occupational therapy section, including failure to comply with 35550  
a subpoena or orders issued by the section or failure to answer 35551  
truthfully a question presented by the section at a deposition or 35552  
in written interrogatories. 35553

(b) Failure to cooperate with an investigation does not 35554  
constitute grounds for discipline under this section if a court of 35555  
competent jurisdiction issues an order that either quashes a 35556  
subpoena or permits the individual to withhold the testimony or 35557  
evidence at issue. 35558

(20) Conviction of, or a judicial finding of eligibility for 35559  
intervention in lieu of conviction for, a misdemeanor reasonably 35560  
related to the practice of occupational therapy, regardless of the 35561  
state or country in which the conviction or finding occurred; 35562

(21) Inability to practice according to acceptable and 35563  
prevailing standards of care because of mental or physical 35564  
illness, including physical deterioration that adversely affects 35565  
cognitive, motor, or perception skills; 35566

(22) Violation of conditions, limitations, or agreements 35567  
placed by the occupational therapy section on a license ~~or limited~~ 35568  
~~permit~~ to practice; 35569

(23) Making a false, fraudulent, deceptive, or misleading 35570  
statement in the solicitation of or advertising for patients in 35571  
relation to the practice of occupational therapy; 35572

~~(21) Inability to practice according to acceptable and~~ 35573  
~~prevailing standards of care because of mental or physical~~ 35574  
~~illness, including physical deterioration that adversely affects~~ 35575  
~~cognitive, motor, or perception skills;~~ 35576

(24) Failure to complete continuing education requirements as 35577  
prescribed in rules adopted by the occupational therapy section 35578  
under section 4755.06 of the Revised Code; 35579

(25) Regardless of whether it is consensual, engaging in any 35580  
of the following with a patient other than the spouse of the 35581  
occupational therapist or occupational therapy assistant: 35582

(a) Sexual conduct, as defined in section 2907.01 of the 35583  
Revised Code; 35584

(b) Sexual contact, as defined in section 2907.01 of the 35585  
Revised Code; 35586

(c) Verbal behavior that is sexually demeaning to the patient 35587  
or may be reasonably interpreted by the patient as sexually 35588

demeaning. 35589

(B) Sanctions shall not be imposed under division (A)(13) of 35590  
this section against any individual who waives deductibles and 35591  
copayments as follows: 35592

(1) In compliance with the health benefit plan that expressly 35593  
allows such a practice. Waiver of the deductibles or copayments 35594  
shall be made only with the full knowledge and consent of the plan 35595  
purchaser, payer, and third-party administrator. Documentation of 35596  
the consent shall be made available to the section upon request. 35597

(2) For professional services rendered to any other person 35598  
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 35599  
Code to the extent allowed by those sections and the rules of the 35600  
occupational therapy section. 35601

(C) Except as provided in division (D) of this section, the 35602  
suspension or revocation of a license ~~or limited permit~~ under this 35603  
section is not effective until either the order for suspension or 35604  
revocation has been affirmed following an adjudication hearing, or 35605  
the time for requesting a hearing has elapsed. 35606

When a license ~~or limited permit~~ is revoked under this 35607  
section, application for reinstatement may not be made sooner than 35608  
one year after the date of revocation. The occupational therapy 35609  
section may accept or refuse an application for reinstatement and 35610  
may require that the applicant pass an examination as a condition 35611  
of reinstatement. 35612

When a license ~~or limited permit~~ holder is placed on 35613  
probation under this section, the occupational therapy section's 35614  
probation order shall be accompanied by a statement of the 35615  
conditions under which the individual may be removed from 35616  
probation and restored to unrestricted practice. 35617

(D) On receipt of a complaint that a person who holds a 35618  
license ~~or limited permit~~ issued by the occupational therapy 35619

section has committed any of the prohibited actions listed in 35620  
division (A) of this section, the section may immediately suspend 35621  
the license ~~or limited permit~~ prior to holding a hearing in 35622  
accordance with Chapter 119. of the Revised Code if it determines, 35623  
based on the complaint, that the licensee ~~or limited permit holder~~ 35624  
poses an immediate threat to the public. The section may review 35625  
the allegations and vote on the suspension by telephone conference 35626  
call. If the section votes to suspend a license ~~or limited permit~~ 35627  
under this division, the section shall issue a written order of 35628  
summary suspension to the licensee ~~or limited permit holder~~ in 35629  
accordance with section 119.07 of the Revised Code. If the 35630  
individual whose license ~~or limited permit~~ is suspended fails to 35631  
make a timely request for an adjudication under Chapter 119. of 35632  
the Revised Code, the section shall enter a final order 35633  
permanently revoking the individual's license ~~or limited permit~~. 35634  
Notwithstanding section 119.12 of the Revised Code, a court of 35635  
common pleas shall not grant a suspension of the section's order 35636  
of summary suspension pending the determination of an appeal filed 35637  
under that section. Any order of summary suspension issued under 35638  
this division shall remain in effect, unless reversed on appeal, 35639  
until a final adjudication order issued by the section pursuant to 35640  
division (A) of this section becomes effective. The section shall 35641  
issue its final adjudication order regarding an order of summary 35642  
suspension issued under this division not later than ninety days 35643  
after completion of its hearing. Failure to issue the order within 35644  
ninety days shall result in immediate dissolution of the 35645  
suspension order, but shall not invalidate any subsequent, final 35646  
adjudication order. 35647

(E) If any person other than a person who holds a license ~~or~~ 35648  
~~limited permit~~ issued under section 4755.08 of the Revised Code 35649  
has engaged in any practice that is prohibited under sections 35650  
4755.04 to 4755.13 of the Revised Code or the rules of the 35651  
occupational therapy section, the section may apply to the court 35652

of common pleas of the county in which the violation occurred, for 35653  
an injunction or other appropriate order restraining this conduct, 35654  
and the court shall issue this order. 35655

**Sec. 4755.12.** (A) The occupational therapy section of the 35656  
Ohio occupational therapy, physical therapy, and athletic trainers 35657  
board may charge any or all of the following fees: 35658

(1) A nonrefundable examination fee, which is to be paid at 35659  
the time of application for licensure; 35660

(2) An application fee for an initial license; 35661

(3) An initial licensure fee; 35662

(4) A fee for biennial renewal of a license; 35663

(5) A fee for late renewal of a license; 35664

(6) A fee for the review of continuing education activities; 35665

(7) ~~A fee for a limited permit;~~ 35666

~~(8)~~ A fee for verification of a license. 35667

(B) ~~Any person who is qualified to practice occupational 35668  
therapy as certified by the section, but who is not in the active 35669  
practice, as defined by section rule, may register with the 35670  
section as a nonactive licensee at a biennial fee. 35671~~

~~(C)~~ The section may, by rule, provide for the waiver of all 35672  
or part of a fee when the license is issued less than one hundred 35673  
days before the date on which it will expire. 35674

~~(D)~~(C) Except when all or part of a fee is waived under 35675  
division ~~(C)~~(B) of this section, the amount charged by the 35676  
occupational therapy section for each of its fees shall be the 35677  
applicable amount established in rules adopted under section 35678  
4755.06 of the Revised Code. 35679

**Sec. 4755.42.** (A) Each person ~~who desires to practice~~ seeking 35680

licensure as a physical ~~therapy~~ therapist shall file with the 35681  
physical therapy section of the Ohio occupational therapy, 35682  
physical therapy, and athletic trainers board an application that 35683  
includes the following: 35684

(1) Name; 35685

(2) Current address; 35686

(3) ~~Physical description and photograph;~~ 35687

~~(4) Proof of completion of graduation from a master's or 35688  
doctorate professional physical therapy program of ~~physical~~ 35689  
~~therapy education~~ that is accredited by a national physical 35690  
therapy accreditation agency ~~recognized~~ approved by the United 35691  
States department of education and that includes:~~ 35692

~~(a) A minimum of one hundred twenty academic semester credits 35693  
or its equivalent, including courses in the biological and other 35694  
physical sciences;~~ 35695

~~(b) A course in physical therapy education that has provided 35696  
instruction in basic sciences, clinical sciences, and physical 35697  
therapy theory and procedures physical therapy section.~~ 35698

(B) On making application under division (A) of this section, 35699  
the applicant shall pay a fee of not more than one hundred 35700  
twenty-five dollars for the license. 35701

(C) The physical therapy section shall approve an ~~application~~ 35702  
applicant to sit for the examination required under division (A) 35703  
of section 4755.43 of the Revised Code not later than one hundred 35704  
twenty days after receiving an application that the section 35705  
considers complete unless the board has done either of the 35706  
following: 35707

(1) Requested documents relevant to the section's evaluation 35708  
of the application; 35709

(2) Notified the applicant in writing of the section's intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the section's intent to deny a license.

(D) If the section fails to comply with division (C) of this section, the section shall refund one-half of the application fee to the applicant.

**Sec. 4755.421.** (A) Each ~~applicant~~ person seeking licensure as a physical therapist assistant shall file with the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board an application that includes the following:

(1) Name;

(2) Current address;

(3) ~~Physical description and photograph;~~

~~(4) Proof of completion of graduation from a professional physical therapist assistant program of education that is accredited by a national physical therapy accreditation agency recognized approved by the United States department of education physical therapy section.~~

(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred twenty-five dollars for the license.

(C)(1) The physical therapy section shall approve an applicant to sit for the examination required under division (A) of section 4755.431 of the Revised Code not later than one hundred twenty days after receiving an application that the section considers complete unless the board has done either of the following:

(a) Requested documents relevant to the section's evaluation

of the application; 35740

(b) Notified the applicant in writing of the section's intent 35741  
to deny a license and the applicant's right to request a hearing 35742  
in accordance with Chapter 119. of the Revised Code to appeal the 35743  
section's intent to deny a license. 35744

(2) If the section fails to comply with division (C)(1) of 35745  
this section, the section shall refund half of the application fee 35746  
to the applicant. 35747

**Sec. 4755.47.** (A) In accordance with Chapter 119. of the 35748  
Revised Code, the physical therapy section of the Ohio 35749  
occupational therapy, physical therapy, and athletic trainers 35750  
board may refuse to grant a license to an applicant for an initial 35751  
or renewed license as a physical therapist or physical therapist 35752  
assistant or, by an affirmative vote of not less than five 35753  
members, may limit, suspend, or revoke the license of a physical 35754  
therapist or physical therapist assistant or reprimand, fine, 35755  
place a license holder on probation, or require the license holder 35756  
to take corrective action courses, on any of the following 35757  
grounds: 35758

(1) Habitual indulgence in the use of controlled substances, 35759  
other habit-forming drugs, or alcohol to an extent that affects 35760  
the individual's professional competency; 35761

(2) Conviction of, or a judicial finding of eligibility for 35762  
intervention in lieu of conviction for, a felony or a crime 35763  
involving moral turpitude, regardless of the state or country in 35764  
which the conviction or finding occurred; 35765

(3) Obtaining or attempting to obtain a license issued by the 35766  
physical therapy section by fraud or deception, including the 35767  
making of a false, fraudulent, deceptive, or misleading statement; 35768

(4) An adjudication by a court, as provided in section 35769

5122.301 of the Revised Code, that the applicant or licensee is 35770  
incompetent for the purpose of holding the license and has not 35771  
thereafter been restored to legal capacity for that purpose; 35772

(5) Subject to section 4755.471 of the Revised Code, 35773  
violation of the code of ethics adopted by the physical therapy 35774  
section; 35775

(6) Violating or attempting to violate, directly or 35776  
indirectly, or assisting in or abetting the violation of or 35777  
conspiring to violate sections 4755.40 to 4755.56 of the Revised 35778  
Code or any order issued or rule adopted under those sections; 35779

(7) Failure of one or both of the examinations required under 35780  
section 4755.43 or 4755.431 of the Revised Code; 35781

(8) Permitting the use of one's name or license by a person, 35782  
group, or corporation when the one permitting the use is not 35783  
directing the treatment given; 35784

(9) Denial, revocation, suspension, or restriction of 35785  
authority to practice a health care occupation, including physical 35786  
therapy, for any reason other than a failure to renew, in Ohio or 35787  
another state or jurisdiction; 35788

(10) Failure to maintain minimal standards of practice in the 35789  
administration or handling of drugs, as defined in section 4729.01 35790  
of the Revised Code, or failure to employ acceptable scientific 35791  
methods in the selection of drugs, as defined in section 4729.01 35792  
of the Revised Code, or other modalities for treatment; 35793

(11) Willful betrayal of a professional confidence; 35794

(12) Making a false, fraudulent, deceptive, or misleading 35795  
statement in the solicitation of or advertising for patients in 35796  
relation to the practice of physical therapy; 35797

(13) A departure from, or the failure to conform to, minimal 35798  
standards of care required of licensees when under the same or 35799

similar circumstances, whether or not actual injury to a patient	35800
is established;	35801
(14) Obtaining, or attempting to obtain, money or anything of	35802
value by fraudulent misrepresentations in the course of practice;	35803
(15) Violation of the conditions of limitation or agreements	35804
placed by the physical therapy section on a license to practice;	35805
(16) Failure to renew a license in accordance with section	35806
4755.46 of the Revised Code;	35807
(17) Except as provided in section 4755.471 of the Revised	35808
Code, engaging in the division of fees for referral of patients or	35809
receiving anything of value in return for a specific referral of a	35810
patient to utilize a particular service or business;	35811
(18) Inability to practice according to acceptable and	35812
prevailing standards of care because of mental illness or physical	35813
illness, including physical deterioration that adversely affects	35814
cognitive, motor, or perception skills;	35815
(19) The revocation, suspension, restriction, or termination	35816
of clinical privileges by the United States department of defense	35817
or department of veterans affairs;	35818
(20) Termination or suspension from participation in the	35819
medicare or medicaid program established under Title XVIII and	35820
Title XIX, respectively, of the "Social Security Act," 49 Stat.	35821
620 (1935), 42 U.S.C. 301, as amended, for an act or acts that	35822
constitute a violation of sections 4755.40 to 4755.56 of the	35823
Revised Code;	35824
(21) Failure of a physical therapist to maintain supervision	35825
of a student, physical therapist assistant, unlicensed support	35826
personnel, other assistant personnel, or a license applicant in	35827
accordance with the requirements of sections 4755.40 to 4755.56 of	35828
the Revised Code and rules adopted under those sections;	35829

(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section;

(23) Conviction of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of physical therapy;

(24)(a) Except as provided in division (A)(24)(b) of this section, failure to cooperate with an investigation conducted by the physical therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.

(25) Regardless of whether ~~the contact or verbal behavior~~ it is consensual, engaging in any of the following with a patient other than the spouse of the physical therapist or physical therapist assistant, ~~in any of the following:~~

(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;

(b) Sexual contact, as defined in section 2907.01 of the Revised Code;

~~(b)~~(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(26) Failure to notify the physical therapy section of a change in name, business address, or home address within thirty days after the date of change; 35860  
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(27) Except as provided in division (B) of this section: 35863

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider; 35864  
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(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay; 35870  
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(28) Violation of any section of this chapter or rule adopted under it. 35875  
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(B) Sanctions shall not be imposed under division (A)(27) of this section against any individual who waives deductibles and copayments as follows: 35877  
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the physical therapy section upon request. 35880  
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(2) For professional services rendered to any other person licensed pursuant to sections 4755.40 to 4755.56 of the Revised Code to the extent allowed by those sections and the rules of the physical therapy section. 35886  
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(C) When a license is revoked under this section, application 35890  
for reinstatement may not be made sooner than one year after the 35891  
date of revocation. The physical therapy section may accept or 35892  
refuse an application for reinstatement and may require that the 35893  
applicant pass an examination as a condition for reinstatement. 35894

When a license holder is placed on probation under this 35895  
section, the physical therapy section's order for placement on 35896  
probation shall be accompanied by a statement of the conditions 35897  
under which the individual may be removed from probation and 35898  
restored to unrestricted practice. 35899

(D) When an application for an initial or renewed license is 35900  
refused under this section, the physical therapy section shall 35901  
notify the applicant in writing of the section's decision to 35902  
refuse issuance of a license and the reason for its decision. 35903

(E) On receipt of a complaint that a person licensed by the 35904  
physical therapy section has committed any of the actions listed 35905  
in division (A) of this section, the physical therapy section may 35906  
immediately suspend the license of the physical therapist or 35907  
physical therapist assistant prior to holding a hearing in 35908  
accordance with Chapter 119. of the Revised Code if it determines, 35909  
based on the complaint, that the person poses an immediate threat 35910  
to the public. The physical therapy section may review the 35911  
allegations and vote on the suspension by telephone conference 35912  
call. If the physical therapy section votes to suspend a license 35913  
under this division, the physical therapy section shall issue a 35914  
written order of summary suspension to the person in accordance 35915  
with section 119.07 of the Revised Code. If the person fails to 35916  
make a timely request for an adjudication under Chapter 119. of 35917  
the Revised Code, the physical therapy section shall enter a final 35918  
order permanently revoking the person's license. Notwithstanding 35919  
section 119.12 of the Revised Code, a court of common pleas shall 35920  
not grant a suspension of the physical therapy section's order of 35921

summary suspension pending the determination of an appeal filed 35922  
under that section. Any order of summary suspension issued under 35923  
this division shall remain in effect, unless reversed on appeal, 35924  
until a final adjudication order issued by the physical therapy 35925  
section pursuant to division (A) of this section becomes 35926  
effective. The physical therapy section shall issue its final 35927  
adjudication order regarding an order of summary suspension issued 35928  
under this division not later than ninety days after completion of 35929  
its hearing. Failure to issue the order within ninety days shall 35930  
result in immediate dissolution of the suspension order, but shall 35931  
not invalidate any subsequent, final adjudication order. 35932

**Sec. 4755.48.** (A) No person shall employ fraud or deception 35933  
in applying for or securing a license to practice physical therapy 35934  
or to be a physical therapist assistant. 35935

(B) No person shall practice or in any way imply or claim to 35936  
the public by words, actions, or the use of letters as described 35937  
in division (C) of this section to be able to practice physical 35938  
therapy or to provide physical therapy services, including 35939  
practice as a physical therapist assistant, unless the person 35940  
holds a valid license under sections 4755.40 to 4755.56 of the 35941  
Revised Code or except for submission of claims as provided in 35942  
section 4755.56 of the Revised Code. 35943

(C) No person shall use the words or letters, physical 35944  
therapist, physical therapy, physical therapy services, 35945  
physiotherapist, physiotherapy, physiotherapy services, licensed 35946  
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 35947  
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 35948  
therapist assistant, physical therapy technician, licensed 35949  
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 35950  
letters, words, abbreviations, or insignia, indicating or implying 35951  
that the person is a physical therapist or physical therapist 35952

assistant without a valid license under sections 4755.40 to 35953  
4755.56 of the Revised Code. 35954

(D) No person who practices physical therapy or assists in 35955  
the provision of physical therapy treatments under the supervision 35956  
of a physical therapist shall fail to display the person's current 35957  
license granted under sections 4755.40 to 4755.56 of the Revised 35958  
Code in a conspicuous location in the place where the person 35959  
spends the major part of the person's time so engaged. 35960

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 35961  
Code shall affect or interfere with the performance of the duties 35962  
of any physical therapist or physical therapist assistant in 35963  
active service in the army, navy, coast guard, marine corps, air 35964  
force, public health service, or marine hospital service of the 35965  
United States, while so serving. 35966

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 35967  
Code shall prevent or restrict the activities or services of a 35968  
person pursuing a course of study leading to a degree in physical 35969  
therapy in an accredited or approved educational program if the 35970  
activities or services constitute a part of a supervised course of 35971  
study and the person is designated by a title that clearly 35972  
indicates the person's status as a student. 35973

(G)(1) Subject to division (G)(2) of this section, nothing in 35974  
sections 4755.40 to 4755.56 of the Revised Code shall prevent or 35975  
restrict the activities or services of any person who holds a 35976  
current, unrestricted license to practice physical therapy in 35977  
another state when that person, pursuant to contract or employment 35978  
with an athletic team located in the state in which the person 35979  
holds the license, provides physical therapy to any of the 35980  
following while the team is traveling to or from or participating 35981  
in a sporting event in this state: 35982

(a) A member of the athletic team; 35983

(b) A member of the athletic team's coaching, communications, equipment, or sports medicine staff;	35984 35985
(c) A member of a band or cheerleading squad accompanying the athletic team;	35986 35987
(d) The athletic team's mascot.	35988
(2) In providing physical therapy pursuant to division (G)(1) of this section, the person shall not do either of the following:	35989 35990
(a) Provide physical therapy at a health care facility;	35991
(b) Provide physical therapy for more than sixty days in a calendar year.	35992 35993
(H)(1) Except as provided in division (H)(2) of this section and subject to division (I) of this section, no person shall practice physical therapy other than on the prescription of, or the referral of a patient by, a person who is licensed in this or another state to do at least one of the following:	35994 35995 35996 35997 35998
(a) Practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery;	35999 36000
(b) Practice as a physician assistant;	36001
(c) Practice nursing as an advanced practice registered nurse.	36002 36003
(2) The prohibition in division (H)(1) of this section on practicing physical therapy other than on the prescription of, or the referral of a patient by, any of the persons described in that division does not apply if either of the following applies to the person:	36004 36005 36006 36007 36008
(a) The person holds a master's or doctorate degree from a professional physical therapy program that is accredited by a national physical therapy accreditation agency <del>recognized</del> <u>approved</u> by the <del>United States department of education</del> <u>physical therapy section of the Ohio occupational therapy, physical therapy, and</u>	36009 36010 36011 36012 36013

athletic trainers board. 36014

(b) On or before December 31, 2004, the person has completed 36015  
at least two years of practical experience as a licensed physical 36016  
therapist. 36017

(I) To be authorized to prescribe physical therapy or refer a 36018  
patient to a physical therapist for physical therapy, a person 36019  
described in division (H)(1) of this section must be in good 36020  
standing with the relevant licensing board in this state or the 36021  
state in which the person is licensed and must act only within the 36022  
person's scope of practice. 36023

(J) In the prosecution of any person for violation of 36024  
division (B) or (C) of this section, it is not necessary to allege 36025  
or prove want of a valid license to practice physical therapy or 36026  
to practice as a physical therapist assistant, but such matters 36027  
shall be a matter of defense to be established by the accused. 36028

**Sec. 4755.64.** (A) In accordance with Chapter 119. of the 36029  
Revised Code, the athletic trainers section of the Ohio 36030  
occupational therapy, physical therapy, and athletic trainers 36031  
board may suspend, revoke, or refuse to issue or renew an athletic 36032  
trainers license, or reprimand, fine, or place a licensee on 36033  
probation, for any of the following: 36034

(1) Conviction, or a judicial finding of eligibility for 36035  
intervention in lieu of conviction for, of a felony or offense 36036  
involving moral turpitude, regardless of the state or country in 36037  
which the conviction or finding occurred; 36038

(2) Violation of sections 4755.61 to 4755.65 of the Revised 36039  
Code or any order issued or rule adopted thereunder; 36040

(3) Obtaining a license through fraud, false or misleading 36041  
representation, or concealment of material facts; 36042

(4) Negligence or gross misconduct in the practice of 36043

athletic training;	36044
(5) Violating the standards of ethical conduct in the	36045
practice of athletic training as adopted by the athletic trainers	36046
section under section 4755.61 of the Revised Code;	36047
(6) Using any controlled substance or alcohol to the extent	36048
that the ability to practice athletic training at a level of	36049
competency is impaired;	36050
(7) Practicing in an area of athletic training for which the	36051
individual is untrained, incompetent, or practicing without the	36052
referral of a practitioner licensed under Chapter 4731. of the	36053
Revised Code, a dentist licensed under Chapter 4715. of the	36054
Revised Code, a chiropractor licensed under Chapter 4734. of the	36055
Revised Code, or a physical therapist licensed under this chapter;	36056
(8) Employing, directing, or supervising a person in the	36057
performance of athletic training procedures who is not authorized	36058
to practice as a licensed athletic trainer under this chapter;	36059
(9) Misrepresenting educational attainments or the functions	36060
the individual is authorized to perform for the purpose of	36061
obtaining some benefit related to the individual's athletic	36062
training practice;	36063
(10) Failing the licensing examination;	36064
(11) Aiding or abetting the unlicensed practice of athletic	36065
training;	36066
(12) Denial, revocation, suspension, or restriction of	36067
authority to practice a health care occupation, including athletic	36068
training, for any reason other than a failure to renew, in Ohio or	36069
another state or jurisdiction;	36070
<u>(13) Regardless of whether it is consensual, engaging in any</u>	36071
<u>of the following with a patient other than the spouse of the</u>	36072
<u>athletic trainer:</u>	36073

<u>(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;</u>	36074
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<u>(b) Sexual contact, as defined in section 2907.01 of the Revised Code;</u>	36076
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<u>(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.</u>	36078
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	36080
(B) If the athletic trainers section places a licensee on probation under division (A) of this section, the section's order for placement on probation shall be accompanied by a written statement of the conditions under which the person may be removed from probation and restored to unrestricted practice.	36081
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(C) A licensee whose license has been revoked under division (A) of this section may apply to the athletic trainers section for reinstatement of the license one year following the date of revocation. The athletic trainers section may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement.	36086
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(D) On receipt of a complaint that a person licensed by the athletic trainers section has committed any of the prohibited actions listed in division (A) of this section, the section may immediately suspend the license of a licensed athletic trainer prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee poses an immediate threat to the public. The section may review the allegations and vote on the suspension by telephone conference call. If the section votes to suspend a license under this division, the section shall issue a written order of summary suspension to the licensed athletic trainer in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an	36092
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adjudication under Chapter 119. of the Revised Code, the section 36105  
shall enter a final order permanently revoking the individual's 36106  
license. Notwithstanding section 119.12 of the Revised Code, a 36107  
court of common pleas shall not grant a suspension of the 36108  
section's order of summary suspension pending the determination of 36109  
an appeal filed under that section. Any order of summary 36110  
suspension issued under this division shall remain in effect, 36111  
unless reversed on appeal, until a final adjudication order issued 36112  
by the section pursuant to division (A) of this section becomes 36113  
effective. The section shall issue its final adjudication order 36114  
regarding an order of summary suspension issued under this 36115  
division not later than ninety days after completion of its 36116  
hearing. Failure to issue the order within ninety days shall 36117  
result in immediate dissolution of the suspension order, but shall 36118  
not invalidate any subsequent, final adjudication order. 36119

**Sec. 4757.10.** (A) The counselor, social worker, and marriage 36120  
and family therapist board may adopt any rules necessary to carry 36121  
out this chapter. 36122

(B) The board shall adopt rules that do all of the following: 36123

(1) Concern intervention for and treatment of any impaired 36124  
person holding a license or certificate of registration issued 36125  
under this chapter; 36126

(2) Establish standards for training and experience of 36127  
supervisors described in division (C) of section 4757.30 of the 36128  
Revised Code; 36129

(3) Define the requirement that an applicant be of good moral 36130  
character in order to be licensed or registered under this 36131  
chapter; 36132

(4) Establish requirements for criminal records checks of 36133  
applicants under section 4776.03 of the Revised Code; 36134

- (5) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code; 36135  
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- (6) Establish the amount and content of corrective action courses required by the board under section 4757.36 of the Revised Code; 36140  
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- (7) Provide for voluntary registration of all of the following: 36143  
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- (a) Master's level counselor trainees enrolled in practice and internships; 36145  
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- (b) Master's level social worker trainees enrolled in fieldwork, practice, and internships; 36147  
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- (c) Master's level marriage and family therapist trainees enrolled in practice and internships. 36149  
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- (8) In the case of an individual who is voluntarily registered as a trainee under division (B)(7) of this section and who has graduated but not yet completed all requirements for licensure, provide for an extension of the individual's registration for a period of six months beginning on the date of the individual's graduation. 36151  
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- (9) Establish a schedule of deadlines for renewal. 36157
- (C) Rules adopted under division (B)(7) of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board. 36158  
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- (D) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the 36162  
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board may consider standards established by any national 36165  
association or other organization representing the interests of 36166  
those involved in professional counseling, social work, or 36167  
marriage and family therapy. 36168

**Sec. 4763.15.** Except for moneys required to be transferred 36169  
into the real estate appraiser recovery fund pursuant to section 36170  
4763.16 of the Revised Code or as required pursuant to this 36171  
section, the superintendent of real estate may deposit all fees 36172  
collected under this chapter into the state treasury to the credit 36173  
of the real estate appraiser operating fund, which is hereby 36174  
created. All operating expenses of the real estate appraiser board 36175  
and the superintendent of real estate relating to the 36176  
administration and enforcement of this chapter and Chapter 4768. 36177  
of the Revised Code shall be paid from this fund. The fund shall 36178  
be assessed a proportionate share of the administrative cost of 36179  
the department of commerce in accordance with procedures 36180  
prescribed by the director of commerce ~~and approved by the~~ 36181  
~~director of budget and management,~~ and the assessment shall be 36182  
paid from the operating fund to the division of administration 36183  
fund. 36184

If, in any biennium, the director of commerce determines that 36185  
moneys in the operating fund exceed those necessary to fund the 36186  
activities of the board and of the superintendent of real estate 36187  
that relate to this chapter and Chapter 4768. of the Revised Code, 36188  
the director may pay the excess funds to the real estate appraiser 36189  
recovery fund. 36190

**Sec. 4779.28.** (A) The Ohio occupational therapy, physical 36191  
therapy, and athletic trainers board ~~may~~, pursuant to an 36192  
adjudication under Chapter 119. of the Revised Code, may limit, 36193  
revoke, or suspend a license issued under this chapter, may refuse 36194  
to issue a license to an applicant, or may reprimand ~~or, fine,~~ 36195

place a license holder on probation ~~and~~, or require the license 36196  
holder to take corrective action courses for any of the following 36197  
reasons: 36198

(1) Conviction of, ~~or~~ a plea of guilty to, or a judicial 36199  
finding of eligibility for intervention in lieu of conviction for, 36200  
a misdemeanor or felony involving moral turpitude; 36201

(2) Any violation of this chapter; 36202

(3) Committing fraud, misrepresentation, or deception in 36203  
applying for or securing a license issued under this chapter; 36204

(4) Habitual use of drugs or intoxicants to the extent that 36205  
it renders the person unfit to practice; 36206

(5) Violation of any rule adopted by the board under section 36207  
4779.08 of the Revised Code; 36208

(6) A departure from, or failure to conform to, minimal 36209  
standards of care of similar orthotists, prosthetists, 36210  
orthotists-prosthetists, or pedorthists under the same or similar 36211  
circumstances, regardless of whether actual injury to a patient is 36212  
established; 36213

(7) Obtaining or attempting to obtain money or anything of 36214  
value by fraudulent misrepresentation in the course of practice; 36215

(8) Publishing a false, fraudulent, deceptive, or misleading 36216  
statement; 36217

(9) Waiving the payment of all or part of a deductible or 36218  
copayment that a patient, pursuant to a health insurance or health 36219  
care policy, contract, or plan, would otherwise be required to 36220  
pay, if the waiver is used as an enticement to a patient or group 36221  
of patients to receive health care services from a person who 36222  
holds a license issued under this chapter; 36223

(10) Advertising that a person who holds a license issued 36224  
under this chapter will waive the payment of all or part of a 36225

deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, that covers the person's services, would otherwise be required to pay;

(11) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including orthotics, prosthetics, or pedorthics, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(12) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the orthotist, prosthetist, orthotist-prosthetist, or pedorthist:

(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;

(b) Sexual contact, as defined in section 2907.01 of the Revised Code;

(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(B) For the purpose of investigating whether a person is engaging or has engaged in conduct described in division (A) of this section, the board may administer oaths, order the taking of depositions, issue subpoenas, examine witnesses, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony.

**Sec. 4779.281.** A person sanctioned under section 4779.28 of the Revised Code shall pay a fee in the amount of the actual cost of the administrative hearing, including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging and travel, as determined by the Ohio occupational therapy, physical therapy, and athletic trainers board. The fee shall be collected by the board.

Sec. 4779.33. (A) The Ohio occupational therapy, physical 36256  
therapy, and athletic trainers board shall enforce the laws 36257  
relating to the practice of orthotics, prosthetics, and 36258  
pedorthics. If the ~~secretary of the~~ board has knowledge of a 36259  
violation, the ~~secretary~~ board shall investigate the violation and 36260  
notify the prosecuting attorney of the proper county. 36261

(B)(1) Subject to division (B)(2) of this section, 36262  
information and records received or generated by the board 36263  
pursuant to an investigation are confidential, are not public 36264  
records as defined in section 149.43 of the Revised Code, and are 36265  
not subject to discovery in any civil or administrative action. 36266

(2) For good cause, the board may disclose information 36267  
gathered pursuant to an investigation to any federal, state, or 36268  
local law enforcement, prosecutorial, or regulatory agency or its 36269  
officers or agents engaging in an investigation the board believes 36270  
is within the agency's jurisdiction. An agency that receives 36271  
confidential information shall comply with the same requirements 36272  
regarding confidentiality as those with which the board must 36273  
comply, notwithstanding any conflicting provision of the Revised 36274  
Code or procedure of the agency that applies when the agency is 36275  
dealing with other information in its possession. The information 36276  
may be admitted into evidence in a criminal trial in accordance 36277  
with the Rules of Evidence, or in an administrative hearing 36278  
conducted by an agency, but the court or agency shall require that 36279  
appropriate measures be taken to ensure that confidentiality is 36280  
maintained with respect to any part of the information that 36281  
contains names or other identifying information about patients, 36282  
complainants, or others whose confidentiality was protected by the 36283  
board when the information was in the board's possession. Measures 36284  
to ensure confidentiality that may be taken by the court or agency 36285  
include sealing its records or redacting specific information from 36286  
its records. 36287

**Sec. 4781.04.** (A) The department of commerce, division of 36288  
industrial compliance shall adopt rules pursuant to Chapter 119. 36289  
of the Revised Code to do all of the following: 36290

(1) Establish uniform standards that govern the installation 36291  
of manufactured housing that are consistent with, and not less 36292  
stringent than, the model standards for the design and 36293  
installation of manufactured housing the secretary of the United 36294  
States department of housing and urban development adopts; 36295

(2) Govern the inspection of the installation of manufactured 36296  
housing. The rules shall specify that the division of industrial 36297  
compliance, any building department or personnel of any 36298  
department, or any private third party, certified pursuant to 36299  
section 4781.07 of the Revised Code shall conduct all inspections 36300  
of the installation of manufactured housing located in 36301  
manufactured home parks to determine compliance with the uniform 36302  
installation standards the division of industrial compliance 36303  
establishes pursuant to this section. 36304

(3) Govern the design, construction, installation, approval, 36305  
and inspection of foundations and the base support systems for 36306  
manufactured housing. The rules shall specify that the division of 36307  
industrial compliance, any building department or personnel of any 36308  
department, or any private third party, certified pursuant to 36309  
section 4781.07 of the Revised Code shall conduct all inspections 36310  
of the installation, foundations, and base support systems of 36311  
manufactured housing located in manufactured home parks to 36312  
determine compliance with the uniform installation standards and 36313  
foundation and base support system design the division of 36314  
industrial compliance establishes pursuant to this section. 36315

(4) Govern the training, experience, and education 36316  
requirements for manufactured housing installers; 36317

(5) Establish a code of ethics for manufactured housing 36318

installers;	36319
(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers;	36320 36321
(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance with this chapter and the rules adopted pursuant to it, and for the division's expenses incurred in implementing this chapter;	36322 36323 36324 36325
(8) Establish conditions under which a licensee may enter into contracts to fulfill the licensee's responsibilities;	36326 36327
(9) Govern the investigation of complaints concerning any complaints involving the conduct of any licensed manufactured housing installer or person installing manufactured housing without a license;	36328 36329 36330 36331
(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, manufactured housing dealers, and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of installation of the home. The rules also shall provide that decisions made regarding the dispute under the program are not binding upon the purchaser of the home or the other parties involved in the dispute unless the purchaser so agrees in a written acknowledgement that the purchaser signs and delivers to the program within ten business days after the decision is issued.	36332 36333 36334 36335 36336 36337 36338 36339 36340 36341 36342 36343 36344 36345 36346
(11) Establish the requirements and procedures for the certification of building departments and building department personnel pursuant to section 4781.07 of the Revised Code;	36347 36348 36349

(12) Establish fees to be charged to building departments and building department personnel applying for certification and renewal of certification pursuant to section 4781.07 of the Revised Code;

(13) Develop a policy regarding the maintenance of records for any inspection authorized or conducted pursuant to this chapter. Any record maintained under division (A)(13) of this section shall be a public record under section 149.43 of the Revised Code.

(B) The division of industrial compliance shall do all of the following:

(1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing installation and other aspects of installation the division determines appropriate;

(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;

(3) Prepare and distribute any application form sections 4781.01 to 4781.11 of the Revised Code require;

(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;

(5) Establish procedures for processing, approving, and disapproving applications for licensure;

(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;

(7) Review the design and plans for manufactured housing installations, foundations, and support systems;

(8) Inspect a sample of homes at a percentage the division

determines to evaluate the construction and installation of 36380  
manufactured housing installations, foundations, and support 36381  
systems to determine compliance with the standards the division 36382  
adopts; 36383

(9) Investigate complaints concerning violations of this 36384  
chapter or the rules adopted pursuant to it, or the conduct of any 36385  
manufactured housing installer; 36386

(10) Determine appropriate disciplinary actions for 36387  
violations of this chapter; 36388

(11) Conduct audits and inquiries of manufactured housing 36389  
installers as appropriate for the enforcement of this chapter. The 36390  
division, or any person the division employs for the purpose, may 36391  
review and audit the business records of any manufactured housing 36392  
installer during normal business hours. 36393

(12) Approve an installation training course, which may be 36394  
offered by the Ohio manufactured homes association or other 36395  
entity. 36396

(C) Nothing in this section, or in any rule adopted by the 36397  
division of industrial compliance, shall be construed to limit the 36398  
authority of a board of health to enforce section 3701.344 or 36399  
Chapters 3703., 3718., and 3781. of the Revised Code or limit the 36400  
authority of the department of administrative services to lease 36401  
space for the use of a state agency and to group together state 36402  
offices in any city in the state as provided in section 123.01 of 36403  
the Revised Code. 36404

(D) The department of commerce, division of real estate and 36405  
professional licensing may adopt rules pursuant to Chapter 119. of 36406  
the Revised Code necessary for administration of the provisions of 36407  
this chapter related to manufactured home dealers, brokers, and 36408  
salespersons. 36409

**Sec. 4781.07.** (A) Pursuant to rules the division of 36410  
industrial compliance adopts, the division may certify municipal, 36411  
township, and county building departments and the personnel of 36412  
those departments, or any private third party, to exercise the 36413  
division's enforcement authority, accept and approve plans and 36414  
specifications for foundations, support systems and installations, 36415  
and inspect manufactured housing foundations, support systems, and 36416  
manufactured housing installations. Any certification is effective 36417  
for three years. 36418

(B) Following an investigation and finding of facts that 36419  
support its action, the division of industrial compliance may 36420  
revoke or suspend certification. The division may initiate an 36421  
investigation on the division's own motion or the petition of a 36422  
person affected by the enforcement or approval of plans. 36423

(C)(1) If a township, municipal corporation, or county does 36424  
not have a building department that is certified pursuant to this 36425  
section, it may designate by resolution or ordinance another 36426  
building department that has been certified pursuant to this 36427  
section to exercise the ~~commission's~~ division's enforcement 36428  
authority, accept and approve plans and specifications for 36429  
foundations, support systems and installations, and inspect 36430  
manufactured housing foundations, support systems, and 36431  
manufactured housing installations. The designation is effective 36432  
upon acceptance by the designee. 36433

(2) An owner of a manufactured home or an operator of a 36434  
manufactured home park may request an inspection and obtain an 36435  
approval described in division (C)(1) of this section from any 36436  
building department certified pursuant to this section designated 36437  
by the township, municipal corporation, or county in which the 36438  
owner's manufactured home or operator's manufactured home park is 36439  
located. 36440

**Sec. 4781.281.** (A) The ~~manufactured homes commission~~ division of industrial compliance may charge a fee for inspector certification. The fees shall include all of the following:

(1) The nonrefundable certification fee for inspectors shall not be greater than fifty dollars for each three-year certification period.

(2) The nonrefundable certification renewal fee for inspectors shall not be greater than fifty dollars.

(3) The nonrefundable late fee for certification renewal shall not be greater than twenty-five dollars in addition to the renewal fee.

(B) The ~~commission~~ division may adopt rules pursuant to Chapter 119. of the Revised Code establishing fees less than those described in division (A) of this section.

**Sec. 4781.56.** (A) The ~~manufactured homes commission~~ division of industrial compliance may contract with the board of health of a city or general health district to permit the ~~commission~~ division to abate and remove, in accordance with sections 3707.01 to 3707.021 of the Revised Code, any abandoned or unoccupied manufactured home, mobile home, or recreational vehicle that constitutes a nuisance and that is located in a manufactured home park within the board of health's jurisdiction. Under the contract, the ~~commission~~ division may receive complaints of abandoned or unoccupied manufactured homes, mobile homes, or recreational vehicles that constitute a nuisance and may, by order, compel the park operator to abate and remove the nuisance. The park operator shall pay any costs for the removal.

(B) The sheriff, police officer, constable, or bailiff shall not be liable pursuant to the abatement or removal of any abandoned or unoccupied manufactured home, mobile home, or

recreational vehicle pursuant to this section. 36471

**Sec. 4781.57.** The park operator of a manufactured home park 36472  
shall ensure that all manufactured home park buildings, lots, 36473  
streets, walkways, manufactured homes, mobile homes, and other 36474  
facilities located in the manufactured home park shall be 36475  
maintained in a condition satisfactory to the ~~commission~~ division 36476  
at all times. 36477

**Sec. 4901.10.** The office of the public utilities commission 36478  
shall be at the seat of government in Columbus, in suitable 36479  
quarters provided by the state, and shall be open ~~between~~ 36480  
~~eight thirty a.m. and five thirty p.m.~~ throughout the year, 36481  
Saturdays, Sundays, and legal holidays excepted. The commission 36482  
shall hold its sessions at least once in each calendar month in 36483  
Columbus, but also may meet at such other times and places as are 36484  
necessary for the proper performance of its duties. For the 36485  
purpose of holding sessions in places other than the seat of 36486  
government, the commission may rent quarters or offices, the 36487  
expense of which, in connection therewith, shall be paid in the 36488  
same manner as other authorized expenses. 36489

**Sec. 4906.02.** (A) There is hereby created within the public 36490  
utilities commission the power siting board, composed of the 36491  
~~chairman~~ chairperson of the public utilities commission, the 36492  
director of environmental protection, the director of health, the 36493  
director of development, the director of natural resources, the 36494  
director of agriculture, and a representative of the public who 36495  
shall be an engineer and shall be appointed by the governor, from 36496  
a list of three nominees submitted to the governor by the office 36497  
of the consumers' counsel, with the advice and consent of the 36498  
senate and shall serve for a term of four years. The ~~chairman~~ 36499  
chairperson of the public utilities commission shall be ~~chairman~~ 36500

chairperson of the board and its chief executive officer. The 36501  
~~chairman~~ chairperson shall designate one of the voting members of 36502  
the board to act as ~~vice-chairman~~ vice-chairperson who shall 36503  
possess during the absence or disability of the ~~chairman~~ 36504  
chairperson all of the powers of the ~~chairman~~ chairperson. All 36505  
hearings, studies, and consideration of applications for 36506  
certificates shall be conducted by the board or representatives of 36507  
its members. 36508

In addition, the board shall include four legislative members 36509  
who may participate fully in all the board's deliberations and 36510  
activities except that they shall serve as nonvoting members. The 36511  
speaker of the house of representatives shall appoint one 36512  
legislative member, and the president of the senate and minority 36513  
leader of each house shall each appoint one legislative member. 36514  
Each such legislative leader shall designate an alternate to 36515  
attend meetings of the board when the regular legislative member 36516  
~~he~~ appointed by the legislative leader is unable to attend. Each 36517  
legislative member and alternate shall serve for the duration of 36518  
the elected term that ~~he~~ the legislative member is serving at the 36519  
time of ~~his~~ appointment. A quorum of the board is a majority of 36520  
its voting members. 36521

The representative of the public and, notwithstanding section 36522  
101.26 of the Revised Code, legislative members of the board or 36523  
their designated alternates, when engaged in their duties as 36524  
members of the board, shall be paid at the per diem rate of step 36525  
1, pay range 32, under schedule B of section 124.15 of the Revised 36526  
Code and shall be reimbursed for the actual and necessary expenses 36527  
they incur in the discharge of their official duties. 36528

(B) The ~~chairman~~ chairperson shall keep a complete record of 36529  
all proceedings of the board, issue all necessary process, writs, 36530  
warrants, and notices, keep all books, maps, documents, and papers 36531  
ordered filed by the board, conduct investigations pursuant to 36532

section 4906.07 of the Revised Code, and perform such other duties 36533  
as the board may prescribe. 36534

(C) The ~~chairman~~ chairperson of the public utilities 36535  
commission may assign or transfer duties among the commission's 36536  
staff. However, the board's authority to grant certificates under 36537  
section 4906.10 of the Revised Code shall not be exercised by any 36538  
officer, employee, or body other than the board itself. 36539

~~(D)~~(D)(1) The ~~chairman~~ chairperson may call to ~~his~~ the 36540  
chairperson's assistance, temporarily, any employee of the 36541  
environmental protection agency, the department of natural 36542  
resources, the department of agriculture, the department of 36543  
health, or the department of development, for the purpose of 36544  
making studies, conducting hearings, investigating applications, 36545  
or preparing any report required or authorized under this chapter. 36546  
Such employees shall not receive any additional compensation over 36547  
that which they receive from the agency by which they are 36548  
employed, but they shall be reimbursed for their actual and 36549  
necessary expenses incurred while working under the direction of 36550  
the ~~chairman~~ chairperson. All contracts for special services are 36551  
subject to the approval of the ~~chairman~~ chairperson. 36552

(2) The board may contract for the services of any expert or 36553  
analyst, other than an employee described in division (D)(1) of 36554  
this section, for the purposes of carrying out the board's powers 36555  
and duties as described in Chapter 4906. of the Revised Code. Any 36556  
such expert or analyst shall be compensated from the application 36557  
fee, or if necessary, supplemental application fees assessed in 36558  
accordance with division (F) of section 4906.06 of the Revised 36559  
Code. 36560

(E) The board's offices shall be located in those of the 36561  
public utilities commission. 36562

**Sec. 4911.17.** There is hereby created a nine-member 36563

consumers' counsel governing board consisting of three 36564  
representatives of organized groups representing each of the 36565  
following areas: labor; residential consumers; and family farmers. 36566  
No more than five members of this board may be members of the same 36567  
political party. 36568

The members of the board shall be appointed by the attorney 36569  
general with the advice and consent of the senate. 36570

No later than January 1, 1977, the attorney general shall 36571  
make initial appointments to the board. Of the initial 36572  
appointments made to the board, three shall be for a term ending 36573  
one year after September 1, 1976, three shall be for a term ending 36574  
two years after that date, and three shall be for a term ending 36575  
three years after that date. Thereafter, terms of office shall be 36576  
for three years, each term ending on the same day of the same 36577  
month of the year as did the term that it succeeds. Each member 36578  
shall hold office from the date of the member's appointment until 36579  
the end of the term for which the member was appointed. Any member 36580  
appointed to fill a vacancy occurring prior to the expiration of 36581  
the term for which the member's predecessor was appointed shall 36582  
hold office for the remainder of that term. Any member shall 36583  
continue in office subsequent to the expiration date of the 36584  
member's term until the member's successor takes office. 36585

The governing board shall meet at least every third month of 36586  
the year. Meetings may be held more often at the request of a 36587  
majority of the members or upon call of the chairperson. At the 36588  
first meeting of each year, the board shall select a chairperson 36589  
and vice-chairperson. With the approval of the board, the 36590  
chairperson may designate the vice-chairperson to perform the 36591  
duties of the chairperson, including those provided in section 36592  
4901.021 of the Revised Code. 36593

A majority of the members constitutes a quorum. No action 36594  
shall be taken without the concurrence of a majority of the full 36595

membership of the board. The consumers' counsel shall at all times 36596  
remain responsible to the governing board. Members of the board 36597  
shall be compensated at the rate of one hundred fifty dollars per 36598  
board meeting attended ~~in person~~, not to exceed one thousand two 36599  
hundred dollars per year. All members shall be reimbursed for 36600  
actual and necessary expenses incurred in the performance of their 36601  
official duties. 36602

The board shall submit to the general assembly no later than 36603  
the first day of April, annually, a report outlining the 36604  
expenditures of the office of consumers' counsel, a full record of 36605  
participation in any and all proceedings, and an outline of other 36606  
relevant activities of the office. 36607

**Sec. 5101.141.** (A) As used in sections 5101.141 to ~~5101.1414~~ 36608  
5101.1417 of the Revised Code: 36609

(1) "Adopted young adult" means a person: 36610

(a) Who was in the temporary or permanent custody of a public 36611  
children services agency; 36612

(b) Who was adopted at the age of sixteen or seventeen and 36613  
attained the age of sixteen before a Title IV-E adoption 36614  
assistance agreement became effective; 36615

(c) Who has attained the age of eighteen; and 36616

(d) Who has not yet attained the age of twenty-one. 36617

(2) "Child" means any of the following: 36618

(a) A person who meets the requirements of division (B)(3) of 36619  
section 5153.01 of the Revised Code; 36620

(b) An adopted young adult; 36621

(c) An emancipated young adult. 36622

(3) "Emancipated young adult" means a person: 36623

(a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services;

(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and

(c) Who has not yet attained the age of twenty-one.

(4) "Kinship guardianship young adult" means an individual that meets the following criteria:

(a) Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A)(4)(b) of this section;

(b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective;

(c) Has attained the age of eighteen;

(d) Has not yet attained the age of twenty-one.

(5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older:

(a) The following individuals related by blood or adoption to the child:

(i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";

(ii) Siblings;

(iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or

<u>"great-grand";</u>	36653
<u>(iv) First cousins and first cousins once removed.</u>	36654
<u>(b) Stepparents and stepsiblings of the child;</u>	36655
<u>(c) Spouses and former spouses of individuals named in</u> <u>divisions (A)(5)(a) and (b) of this section;</u>	36656 36657
<u>(d) A legal guardian of the child;</u>	36658
<u>(e) A legal custodian of the child;</u>	36659
<u>(f) Any nonrelative adult that has a familiar and</u> <u>long-standing relationship or bond with the child or the family,</u> <u>which relationship or bond will ensure the child's social ties.</u>	36660 36661 36662
<u>(6) "Representative" means a person with whom the department</u> <u>of job and family services has entered into a contract, pursuant</u> <u>to division (B)(2)(b) of this section.</u>	36663 36664 36665
<u>(7) "Title IV-E" means Title IV-E of the "Social Security</u> <u>Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended.</u>	36666 36667
<u>(B)(1) Except as provided in <del>division</del> <u>divisions (B)(2), (3),</u></u> <u>and (4) of this section, the department of job and family services</u> <u>shall act as the single state agency to administer federal</u> <u>payments for foster care, kinship guardianship assistance, and</u> <u>adoption assistance made pursuant to Title IV-E. The director of</u> <u>job and family services shall adopt rules to implement this</u> <u>authority. Rules governing financial and administrative</u> <u>requirements applicable to public children services agencies and</u> <u>government entities that provide Title IV-E reimbursable placement</u> <u>services to children shall be adopted in accordance with section</u> <u>111.15 of the Revised Code, as if they were internal management</u> <u>rules. Rules governing requirements applicable to private child</u> <u>placing agencies and private noncustodial agencies and rules</u> <u>establishing eligibility, program participation, and other</u> <u>requirements concerning Title IV-E shall be adopted in accordance</u>	36668 36669 36670 36671 36672 36673 36674 36675 36676 36677 36678 36679 36680 36681 36682

with Chapter 119. of the Revised Code. A public children services 36683  
agency to which the department distributes Title IV-E funds shall 36684  
administer the funds in accordance with those rules. 36685

(2) If the state plan is amended under divisions (A) and (B) 36686  
of section 5101.1411 of the Revised Code, both of the following 36687  
shall apply: 36688

(a) Implementation of the amendments to the plan shall begin 36689  
fifteen months after September 13, 2016, the effective date of 36690  
H.B. 50 of the 131st general assembly, if both of the following 36691  
apply: 36692

(i) The plan as amended is approved by the secretary of 36693  
health and human services; 36694

(ii) The general assembly has appropriated sufficient funds 36695  
to operate the program required under the plan as amended. 36696

(b) The department shall have, exercise, and perform all new 36697  
duties required under the plan as amended. In doing so, the 36698  
department may contract with another person to carry out those new 36699  
duties, to the extent permitted under Title IV-E. 36700

(3) If the state plan is amended under division (C) of 36701  
section 5101.1411 of the Revised Code, both of the following 36702  
apply: 36703

(a) Implementation of the amendments to the plan shall begin 36704  
fifteen months after the effective date of this section, if both 36705  
of the following apply: 36706

(i) The plan as amended is approved by the secretary of 36707  
health and human services. 36708

(ii) The general assembly has appropriated sufficient funds 36709  
to operate the program required under the plan as amended. 36710

(b) The department shall perform all new duties required 36711  
under the amended plan. In doing so, the department may contract 36712

with another person to carry out those new duties, to the extent 36713  
permitted under Title IV-E. 36714

(4) If the state plan is amended under section 5101.1416 of 36715  
the Revised Code, and is approved by the secretary of health and 36716  
human services, implementation of the amendments to the plan shall 36717  
begin fifteen months after the effective date of this section. 36718

(C)(1) Except with regard to the new duties imposed on the 36719  
department or its contractor under ~~division~~ divisions (B)(2)(b) 36720  
and (B)(3)(b) of this section that are not imposed on the county, 36721  
the county, on behalf of each child eligible for foster care 36722  
maintenance payments under Title IV-E, shall make payments to 36723  
cover the cost of providing all of the following: 36724

(a) The child's food, clothing, shelter, daily supervision, 36725  
and school supplies; 36726

(b) The child's personal incidentals; 36727

(c) Reasonable travel to the child's home for visitation. 36728

(2) In addition to payments made under division (C)(1) of 36729  
this section, the county may, on behalf of each child eligible for 36730  
foster care maintenance payments under Title IV-E, make payments 36731  
to cover the cost of providing the following: 36732

(a) Liability insurance with respect to the child; 36733

(b) If the county is participating in the demonstration 36734  
project established under division (A) of section 5101.142 of the 36735  
Revised Code, services provided under the project. 36736

(3) With respect to a child who is in a child-care 36737  
institution, including any type of group home designed for the 36738  
care of children or any privately operated program consisting of 36739  
two or more certified foster homes operated by a common 36740  
administrative unit, the foster care maintenance payments made by 36741  
the county on behalf of the child shall include the reasonable 36742

cost of the administration and operation of the institution, group 36743  
home, or program, as necessary to provide the items described in 36744  
divisions (C)(1) and (2) of this section. 36745

(D) To the extent that either foster care maintenance 36746  
payments under division (C) of this section, Title IV-E kinship 36747  
guardianship assistance, or Title IV-E adoption assistance 36748  
payments for maintenance costs require the expenditure of county 36749  
funds, the board of county commissioners shall report the nature 36750  
and amount of each expenditure of county funds to the department. 36751

(E) The department shall distribute to public children 36752  
services agencies that incur and report expenditures of the type 36753  
described in division (D) of this section federal financial 36754  
participation received for administrative and training costs 36755  
incurred in the operation of foster care maintenance, kinship 36756  
guardianship assistance, and adoption assistance programs. The 36757  
department may withhold not more than three per cent of the 36758  
federal financial participation received. The funds withheld may 36759  
be used only to fund the following: 36760

(1) The Ohio child welfare training program established under 36761  
section 5103.30 of the Revised Code; 36762

(2) The university partnership program for college and 36763  
university students majoring in social work who have committed to 36764  
work for a public children services agency upon graduation; 36765

(3) Efforts supporting organizational excellence, including 36766  
voluntary activities to be accredited by a nationally recognized 36767  
accreditation organization. 36768

The funds withheld shall be in addition to any administration 36769  
and training cost for which the department is reimbursed through 36770  
its own cost allocation plan. 36771

(F) All federal financial participation funds received by a 36772  
county pursuant to this section shall be deposited into the 36773

county's children services fund created pursuant to section 36774  
5101.144 of the Revised Code. 36775

(G) The department shall periodically publish and distribute 36776  
the maximum amounts that the department will reimburse public 36777  
children services agencies for making payments on behalf of 36778  
children eligible for foster care maintenance payments. 36779

(H) The department, by and through its director, is hereby 36780  
authorized to develop, participate in the development of, 36781  
negotiate, and enter into one or more interstate compacts on 36782  
behalf of this state with agencies of any other states, for the 36783  
provision of social services to children in relation to whom all 36784  
of the following apply: 36785

(1) They have special needs. 36786

(2) This state or another state that is a party to the 36787  
interstate compact is providing kinship guardianship assistance or 36788  
adoption assistance on their behalf. 36789

(3) They move into this state from another state or move out 36790  
of this state to another state. 36791

**Sec. 5101.1411.** (A)(1) The director of job and family 36792  
services shall, not later than nine months after September 13, 36793  
2016, the effective date of H.B. 50 of the 131st general assembly, 36794  
submit an amendment to the state plan required by 42 U.S.C. 671 to 36795  
the United States secretary of health and human services to 36796  
implement 42 U.S.C. 675(8) to make federal payments for foster 36797  
care under Title IV-E directly to, or on behalf of, any 36798  
emancipated young adult who meets the following requirements: 36799

(a) The emancipated young adult signs a voluntary 36800  
participation agreement. 36801

(b) The emancipated young adult satisfies division ~~(C)~~(D) of 36802  
this section. 36803

(2) Any emancipated young adult who meets the requirements of 36804  
division (A)(1) of this section may apply for foster care payments 36805  
and make the appropriate application at any time. 36806

(B)(1) The director of job and family services shall, not 36807  
later than nine months after September 13, 2016, the effective 36808  
date of H.B. 50 of the 131st general assembly, submit an amendment 36809  
to the state plan required by 42 U.S.C. 671 to the United States 36810  
secretary of health and human services to implement 42 U.S.C. 36811  
675(8) to make federal payments for adoption assistance under 36812  
Title IV-E available to any parent who meets all of the following 36813  
requirements: 36814

(a) The parent adopted a person who is an adopted young adult 36815  
and the parent entered into an adoption assistance agreement under 36816  
42 U.S.C. 673 while the adopted person was age sixteen or 36817  
seventeen. 36818

(b) The parent maintains parental responsibility for the 36819  
adopted young adult. 36820

(c) The adopted young adult satisfies division ~~(C)~~(D) of this 36821  
section. 36822

(2) Any parent who meets the requirements of division (B)(1) 36823  
of this section that are applicable to a parent may request an 36824  
extension of adoption assistance payments at any time before the 36825  
adopted young adult reaches age twenty-one. 36826

(3) An adopted young adult who is eligible to receive 36827  
adoption assistance payments is not considered an emancipated 36828  
young adult and is therefore not eligible to receive payment under 36829  
division (A) of this section. 36830

(C)(1) The director of job and family services shall, not 36831  
later than nine months after the effective date of this amendment, 36832  
submit an amendment to the state plan required by 42 U.S.C. 671 to 36833  
the United States secretary of health and human services to 36834

implement 42 U.S.C. 673(d) to provide kinship guardianship 36835  
assistance under Title IV-E available to any relative who meets 36836  
all of the following requirements: 36837

(a) Both of the following apply: 36838

(i) A juvenile court issued an order granting legal custody 36839  
of a person who is a kinship guardianship young adult to the 36840  
relative, or a probate court issued an order granting guardianship 36841  
of a person who is a kinship guardianship young adult to the 36842  
relative, and the order is not a temporary court order. 36843

(ii) The relative entered into a kinship guardianship 36844  
assistance agreement under 42 U.S.C. 673(d) while the kinship 36845  
guardianship young adult was age sixteen or seventeen. 36846

(b) The relative maintains parental responsibility for the 36847  
kinship guardianship young adult. 36848

(c) The kinship guardianship young adult satisfies division 36849  
(D) of this section. 36850

(2) Any person who meets the requirements of division (C)(1) 36851  
of this section may request an extension of kinship guardianship 36852  
assistance at any time before the kinship guardianship young adult 36853  
reaches age twenty-one. 36854

(3) A kinship guardianship young adult who is eligible to 36855  
receive kinship guardianship assistance is not considered an 36856  
emancipated young adult and is therefore not eligible to receive 36857  
assistance under division (A) of this section. 36858

(D) In addition to other requirements, an adopted, kinship 36859  
guardianship, or emancipated young adult must meet at least one of 36860  
the following criteria: 36861

(1) Is completing secondary education or a program leading to 36862  
an equivalent credential; 36863

(2) Is enrolled in an institution that provides 36864

post-secondary or vocational education; 36865

(3) Is participating in a program or activity designed to 36866  
promote, or remove barriers to, employment; 36867

(4) Is employed for at least eighty hours per month; 36868

(5) Is incapable of doing any of the activities described in 36869  
divisions ~~(C)(1)~~(D)(1) to (4) of this section due to a physical or 36870  
mental condition, which incapacity is supported by regularly 36871  
updated information in the person's case record or plan. 36872

~~(D)~~(E) Any emancipated young adult described in division 36873  
(A)(1) of this section who is directly receiving foster care 36874  
payments, or on whose behalf such foster care payments are 36875  
received, or any relative described in division (C)(1) of this 36876  
section who is receiving kinship guardianship assistance, or any 36877  
parent receiving adoption assistance payments, may refuse the 36878  
payments at any time. 36879

~~(E)(1)~~(F)(1) An emancipated young adult described in division 36880  
(A)(1) of this section who is directly receiving foster care 36881  
payments, or on whose behalf such foster care payments are 36882  
received, or any relative described in division (C)(1) of this 36883  
section who is receiving kinship guardianship assistance and the 36884  
kinship guardianship young adult, or a parent receiving adoption 36885  
assistance payments and the adopted young adult shall be eligible 36886  
for services set forth in the federal, "Fostering Connections to 36887  
Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 36888  
Stat. 3949. 36889

(2) An emancipated young adult described in division (A)(1) 36890  
of this section who is directly receiving foster care payments, or 36891  
on whose behalf such foster care payments are received, pursuant 36892  
to this section, may be eligible to reside in a supervised 36893  
independent living setting, including apartment living, room and 36894  
board arrangements, college or university dormitories, host homes, 36895

and shared roommate settings. 36896

~~(F)~~(G) Any determination by the department that denies or 36897  
terminates foster care, kinship guardianship assistance, or 36898  
adoption assistance payments shall be subject to a state hearing 36899  
pursuant to section 5101.35 of the Revised Code. 36900

**Sec. 5101.1412.** (A) Without the approval of a court, an 36901  
emancipated young adult who receives payments, or on whose behalf 36902  
payments are received, under division (A) of section 5101.1411 of 36903  
the Revised Code, may enter into a voluntary participation 36904  
agreement with the department of job and family services, or its 36905  
representative, for the emancipated young adult's care and 36906  
placement. The agreement shall stay in effect until one of the 36907  
following occurs: 36908

(1) The emancipated young adult enrolled in the program 36909  
notifies the department, or its representative, that they want to 36910  
terminate the agreement. 36911

(2) The emancipated young adult becomes ineligible for the 36912  
program. 36913

~~(B) During the one hundred eighty day period after the 36914  
voluntary participation agreement becomes effective, the 36915  
department or its representative shall seek approval from the 36916  
court that the emancipated young adult's best interest is served 36917  
by continuing the care and placement with the department or its 36918  
representative. 36919~~

~~(C)~~ In order to maintain Title IV-E eligibility for the 36920  
emancipated young adult, ~~not~~ both of the following apply: 36921

(1) Not later than one hundred eighty days after the 36922  
effective date of the voluntary participation agreement, the 36923  
department or its representative must petition the court for, and 36924  
obtain, a judicial determination that the emancipated young 36925

adult's best interest is served by continuing the care and placement with the department or its representative. 36926  
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(2) Not later than twelve months after the effective date of the voluntary participation agreement, and at least once every twelve months thereafter, the department or its representative must petition the court for, and obtain, a judicial determination that the department or its representative has made reasonable efforts to finalize a permanency plan that addresses the department's or its representative's efforts to prepare the emancipated young adult for independence. 36928  
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**Sec. 5101.1415.** The provisions of divisions (A) and ~~(C)~~(D) to ~~(F)~~(G) of section 5101.1411 of the Revised Code shall not apply if the person is eligible for temporary or permanent custody until age twenty-one pursuant to a dispositional order under sections 2151.353, 2151.414, and 2151.415 of the Revised Code. 36936  
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**Sec. 5101.1416.** (A) Not later than nine months after the effective date of this section, the director of job and family services shall submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 673(d) to provide kinship guardianship assistance under Title IV-E on behalf of a child to a relative who meets the following requirements: 36941  
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(1) The relative has cared for the eligible child pursuant to division (B) of this section as a foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months. 36948  
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(2) Both of the following apply: 36952

(a) A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order 36953  
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is not a temporary court order. 36956

(b) The relative has committed to care for the child on a permanent basis. 36957  
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(3) The relative signs a kinship guardianship assistance agreement required by 42 U.S.C. 673. 36959  
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(B) A child is an eligible child for kinship guardianship assistance under this section if the following are met: 36961  
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(1) The child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 36963  
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(2) The child has been eligible for foster care maintenance payments under section 5101.141 of the Revised Code while residing for at least six consecutive months in the home of a relative described in division (A) of this section. 36967  
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(3) Returning the child home or adoption of the child are not appropriate permanency options for the child. 36971  
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(4) The child demonstrates a strong attachment to the child's relative described in division (A) of this section and the relative has a strong commitment to caring permanently for the child. 36973  
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(5) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the kinship guardianship arrangement. 36977  
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**Sec. 5101.1417.** Not later than nine months after the effective date of this section, the department of job and family services shall adopt rules necessary to carry out the purposes of sections 5101.141, 5101.1411, and 5101.1416 of the Revised Code, and 42 U.S.C. 673(d) of the "Social Security Act," including rules that do all of the following: 36980  
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(A) Allow a kinship guardianship young adult described in division (C) of section 5101.1411 of the Revised Code on whose behalf kinship guardianship assistance is received, to maintain eligibility while transitioning into, or out of, qualified employment or educational activities; 36986  
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(B) Require that a thirty-day notice of termination be given by the department to a person receiving kinship guardianship assistance for a kinship guardianship young adult described in division (C) of section 5101.1411 of the Revised Code, who is determined to be ineligible for assistance. 36991  
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**Sec. 5101.1418.** (A)(1) If, after a child's adoption is finalized, the department of job and family services considers the child to be in need of public care or protective services, the department may, to the extent state funds are available for this purpose, enter into an agreement with the child's adoptive parent under which the department may make post adoption special services subsidy payments on behalf of the child as needed when both of the following apply: 36996  
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(a) The child has a physical or developmental disability or mental or emotional condition that either: 37004  
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(i) Existed before the adoption petition was filed; or 37006

(ii) Developed after the adoption petition was filed and can be directly attributed to factors in the child's preadoption background, medical history, or biological family's background or medical history. 37007  
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(b) The department determines the expenses necessitated by the child's disability or condition are beyond the adoptive parent's economic resources. 37011  
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(2) Services for which the department may make post adoption special services subsidy payments on behalf of a child under this 37014  
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section shall include medical, surgical, psychiatric, 37016  
psychological, and counseling services, including residential 37017  
treatment. 37018

(3) The department shall establish clinical standards to 37019  
evaluate a child's physical or developmental disability or mental 37020  
or emotional condition and assess the child's need for services. 37021

(4) The total dollar value of post adoption special services 37022  
subsidy payments made on a child's behalf shall not exceed ten 37023  
thousand dollars in any fiscal year, unless the department 37024  
determines that extraordinary circumstances exist that necessitate 37025  
further funding of services for the child. Under such 37026  
extraordinary circumstances, the value of the payments made on the 37027  
child's behalf shall not exceed fifteen thousand dollars in any 37028  
fiscal year. 37029

(5) The adoptive parent or parents of a child who receives 37030  
post adoption special services subsidy payments shall pay at least 37031  
five per cent of the total cost of all services provided to the 37032  
child; except that the department may waive this requirement if 37033  
the gross annual income of the child's adoptive family is not more 37034  
than two hundred per cent of the federal poverty guideline. 37035

(6) The department may use other sources of revenue to make 37036  
post adoption special services subsidy payments, in addition to 37037  
any state funds appropriated for that purpose. 37038

(7) The department may contract with another person to carry 37039  
out any of the duties described in this section. 37040

(B) No payment shall be made on behalf of any person eighteen 37041  
years of age or older beyond the end of the school year during 37042  
which the person attains the age of eighteen or on behalf of a 37043  
mentally or physically disabled person twenty-one years of age or 37044  
older. 37045

(C) The director of job and family services, not later than 37046

July 1, 2022, shall adopt rules in accordance with Chapter 119. of 37047  
the Revised Code necessary to implement this section. The rules 37048  
shall establish all of the following: 37049

(1) The application process for all forms of assistance 37050  
provided under this section; 37051

(2) Standards for determining the children who qualify to 37052  
receive assistance provided under this section; 37053

(3) The method of determining the amount, duration, and scope 37054  
of services provided to a child; 37055

(4) The method of transitioning the post adoption special 37056  
services subsidy program from public children services agencies to 37057  
the department; 37058

(5) Any other rule, requirement, or procedure the department 37059  
considers appropriate for the implementation of this section. 37060

(D) The department shall implement this section not later 37061  
than July 1, 2022. 37062

**Sec. 5101.342.** The Ohio commission on fatherhood shall do 37063  
both of the following: 37064

(A) Organize a state summit on fatherhood every four years; 37065

(B) Prepare a report each year that does the following: 37066

(1) Identifies resources available to fund fatherhood-related 37067  
programs and explores the creation of initiatives to do the 37068  
following: 37069

(a) Build the parenting skills of fathers; 37070

(b) Provide employment-related services for low-income, 37071  
noncustodial fathers; 37072

(c) Prevent premature fatherhood; 37073

(d) Provide services to fathers who are inmates in or have 37074

just been released from imprisonment in a state correctional 37075  
institution, as defined in section 2967.01 of the Revised Code, or 37076  
in any other detention facility, as defined in section 2921.01 of 37077  
the Revised Code, so that they are able to maintain or reestablish 37078  
their relationships with their families; 37079

(e) Reconcile fathers with their families; 37080

(f) Increase public awareness of the critical role fathers 37081  
play. 37082

(2) Describes the commission's expectations for the outcomes 37083  
of fatherhood-related programs and initiatives and the methods the 37084  
commission uses for conducting annual measures of those outcomes. 37085

(C) Pursuant to section 5101.805 of the Revised Code, the 37086  
commission may make recommendations to the director of job and 37087  
family services regarding funding, approval, and implementation of 37088  
fatherhood programs in this state that meet at least one of the 37089  
four purposes of the temporary assistance for needy families block 37090  
grant, as specified in 42 U.S.C. 601. 37091

(D) The portion of the report prepared pursuant to division 37092  
(B)(2) of this section shall be prepared by the commission in 37093  
collaboration with the director of job and family services. 37094

~~(D)~~(E) The commission shall submit each report prepared 37095  
pursuant to division (B) of this section to the president and 37096  
minority leader of the senate, speaker and minority leader of the 37097  
house of representatives, governor, and chief justice of the 37098  
supreme court. The first report is due not later than one year 37099  
after the last of the initial appointments to the commission is 37100  
made under section 5101.341 of the Revised Code. 37101

**Sec. 5101.35.** (A) As used in this section: 37102

(1)(a) "Agency" means the following entities that administer 37103  
a family services program: 37104

(i) The department of job and family services;	37105
(ii) A county department of job and family services;	37106
(iii) A public children services agency;	37107
(iv) A private or government entity administering, in whole	37108
or in part, a family services program for or on behalf of the	37109
department of job and family services or a county department of	37110
job and family services or public children services agency.	37111
(b) If the department of medicaid contracts with the	37112
department of job and family services to hear appeals authorized	37113
by section 5160.31 of the Revised Code regarding medical	37114
assistance programs, "agency" includes the department of medicaid.	37115
(2) "Appellant" means an applicant, participant, former	37116
participant, recipient, or former recipient of a family services	37117
program who is entitled by federal or state law to a hearing	37118
regarding a decision or order of the agency that administers the	37119
program.	37120
(3)(a) "Family services program" means all of the following:	37121
(i) A Title IV-A program as defined in section 5101.80 of the	37122
Revised Code;	37123
(ii) Programs that provide assistance under Chapter 5104. of	37124
the Revised Code;	37125
(iii) Programs that provide assistance under section	37126
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the	37127
Revised Code;	37128
(iv) Title XX social services provided under section 5101.46	37129
of the Revised Code, other than such services provided by the	37130
department of mental health and addiction services, the department	37131
of developmental disabilities, a board of alcohol, drug addiction,	37132
and mental health services, or a county board of developmental	37133
disabilities.	37134

(b) If the department of medicaid contracts with the 37135  
department of job and family services to hear appeals authorized 37136  
by section 5160.31 of the Revised Code regarding medical 37137  
assistance programs, "family services program" includes medical 37138  
assistance programs. 37139

(4) "Medical assistance program" has the same meaning as in 37140  
section 5160.01 of the Revised Code. 37141

(B) Except as provided by divisions (G) and (H) of this 37142  
section, an appellant who appeals under federal or state law a 37143  
decision or order of an agency administering a family services 37144  
program shall, at the appellant's request, be granted a state 37145  
hearing by the department of job and family services. This state 37146  
hearing shall be conducted in accordance with rules adopted under 37147  
this section. The state hearing shall be recorded, but neither the 37148  
recording nor a transcript of the recording shall be part of the 37149  
official record of the proceeding. Except as provided in section 37150  
5160.31 of the Revised Code, a state hearing decision is binding 37151  
upon the agency and department, unless it is reversed or modified 37152  
on appeal to the director of job and family services or a court of 37153  
common pleas. 37154

(C) Except as provided by division (G) of this section, an 37155  
appellant who disagrees with a state hearing decision may make an 37156  
administrative appeal to the director of job and family services 37157  
in accordance with rules adopted under this section. This 37158  
administrative appeal does not require a hearing, but the director 37159  
or the director's designee shall review the state hearing decision 37160  
and previous administrative action and may affirm, modify, remand, 37161  
or reverse the state hearing decision. An administrative appeal 37162  
decision is the final decision of the department and, except as 37163  
provided in section 5160.31 of the Revised Code, is binding upon 37164  
the department and agency, unless it is reversed or modified on 37165  
appeal to the court of common pleas. 37166

(D) An agency shall comply with a decision issued pursuant to 37167  
division (B) or (C) of this section within the time limits 37168  
established by rules adopted under this section. If a county 37169  
department of job and family services or a public children 37170  
services agency fails to comply within these time limits, the 37171  
department may take action pursuant to section 5101.24 of the 37172  
Revised Code. If another agency, other than the department of 37173  
medicaid, fails to comply within the time limits, the department 37174  
may force compliance by withholding funds due the agency or 37175  
imposing another sanction established by rules adopted under this 37176  
section. 37177

(E) An appellant who disagrees with an administrative appeal 37178  
decision of the director of job and family services or the 37179  
director's designee issued under division (C) of this section may 37180  
appeal from the decision to the court of common pleas pursuant to 37181  
section 119.12 of the Revised Code. The appeal shall be governed 37182  
by section 119.12 of the Revised Code except that: 37183

(1) The person may appeal to the court of common pleas of the 37184  
county in which the person resides, or to the court of common 37185  
pleas of Franklin county if the person does not reside in this 37186  
state. 37187

(2) The person may apply to the court for designation as an 37188  
indigent and, if the court grants this application, the appellant 37189  
shall not be required to furnish the costs of the appeal. 37190

(3) The appellant shall mail the notice of appeal to the 37191  
department of job and family services and file notice of appeal 37192  
with the court within thirty days after the department mails the 37193  
administrative appeal decision to the appellant. For good cause 37194  
shown, the court may extend the time for mailing and filing notice 37195  
of appeal, but such time shall not exceed six months from the date 37196  
the department mails the administrative appeal decision. Filing 37197  
notice of appeal with the court shall be the only act necessary to 37198

vest jurisdiction in the court. 37199

(4) The department shall be required to file a transcript of 37200  
the testimony of the state hearing with the court only if the 37201  
court orders the department to file the transcript. The court 37202  
shall make such an order only if it finds that the department and 37203  
the appellant are unable to stipulate to the facts of the case and 37204  
that the transcript is essential to a determination of the appeal. 37205  
The department shall file the transcript not later than thirty 37206  
days after the day such an order is issued. 37207

(F) The department of job and family services shall adopt 37208  
rules in accordance with Chapter 119. of the Revised Code to 37209  
implement this section, including rules governing the following: 37210

(1) State hearings under division (B) of this section. The 37211  
rules shall include provisions regarding notice of eligibility 37212  
termination and the opportunity of an appellant appealing a 37213  
decision or order of a county department of job and family 37214  
services to request a county conference with the county department 37215  
before the state hearing is held. 37216

(2) Administrative appeals under division (C) of this 37217  
section; 37218

(3) Time limits for complying with a decision issued under 37219  
division (B) or (C) of this section; 37220

(4) Sanctions that may be applied against an agency under 37221  
division (D) of this section. 37222

(G) The department of job and family services may adopt rules 37223  
in accordance with Chapter 119. of the Revised Code establishing 37224  
an appeals process for an appellant who appeals a decision or 37225  
order regarding a Title IV-A program identified under division 37226  
(A)(4)(c), (d), (e), (f), ~~or~~ (g), or (h) of section 5101.80 of the 37227  
Revised Code that is different from the appeals process 37228  
established by this section. The different appeals process may 37229

include having a state agency that administers the Title IV-A 37230  
program pursuant to an interagency agreement entered into under 37231  
section 5101.801 of the Revised Code administer the appeals 37232  
process. 37233

(H) If an appellant receiving medicaid through a health 37234  
insuring corporation that holds a certificate of authority under 37235  
Chapter 1751. of the Revised Code is appealing a denial of 37236  
medicaid services based on lack of medical necessity or other 37237  
clinical issues regarding coverage by the health insuring 37238  
corporation, the person hearing the appeal may order an 37239  
independent medical review if that person determines that a review 37240  
is necessary. The review shall be performed by a health care 37241  
professional with appropriate clinical expertise in treating the 37242  
recipient's condition or disease. The department shall pay the 37243  
costs associated with the review. 37244

A review ordered under this division shall be part of the 37245  
record of the hearing and shall be given appropriate evidentiary 37246  
consideration by the person hearing the appeal. 37247

(I) The requirements of Chapter 119. of the Revised Code 37248  
apply to a state hearing or administrative appeal under this 37249  
section only to the extent, if any, specifically provided by rules 37250  
adopted under this section. 37251

**Sec. 5101.80.** (A) As used in this section and in section 37252  
5101.801 of the Revised Code: 37253

(1) "County family services agency" has the same meaning as 37254  
in section 307.981 of the Revised Code. 37255

(2) "State agency" has the same meaning as in section 9.82 of 37256  
the Revised Code. 37257

(3) "Title IV-A administrative agency" means both of the 37258  
following: 37259

(a) A county family services agency or state agency administering a Title IV-A program under the supervision of the department of job and family services;	37260 37261 37262
(b) A government agency or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.	37263 37264 37265 37266
(4) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended:	37267 37268 37269 37270 37271
(a) The Ohio works first program established under Chapter 5107. of the Revised Code;	37272 37273
(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	37274 37275
(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services pursuant to section 5101.801 of the Revised Code;	37276 37277 37278 37279
(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code;	37280 37281
(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code;	37282 37283
(f) The Ohio parenting and pregnancy program created under section 5101.804 of the Revised Code;	37284 37285
(g) <u>Fatherhood programs recommended by the Ohio commission on fatherhood under section 5101.805 of the Revised Code;</u>	37286 37287
<u>(h)</u> A component of a Title IV-A program identified under divisions (A)(4)(a) to <del>(f)</del> <u>(g)</u> of this section that the Title IV-A	37288 37289

state plan prepared under division (C)(1) of this section 37290  
identifies as a component. 37291

(B) The department of job and family services shall act as 37292  
the single state agency to administer and supervise the 37293  
administration of Title IV-A programs. The Title IV-A state plan 37294  
and amendments to the plan prepared under division (C) of this 37295  
section are binding on Title IV-A administrative agencies. No 37296  
Title IV-A administrative agency may establish, by rule or 37297  
otherwise, a policy governing a Title IV-A program that is 37298  
inconsistent with a Title IV-A program policy established, in rule 37299  
or otherwise, by the director of job and family services. 37300

(C) The department of job and family services shall do all of 37301  
the following: 37302

(1) Prepare and submit to the United States secretary of 37303  
health and human services a Title IV-A state plan for Title IV-A 37304  
programs; 37305

(2) Prepare and submit to the United States secretary of 37306  
health and human services amendments to the Title IV-A state plan 37307  
that the department determines necessary, including amendments 37308  
necessary to implement Title IV-A programs identified in divisions 37309  
(A)(4)(c) to ~~(g)~~(h) of this section; 37310

(3) Prescribe forms for applications, certificates, reports, 37311  
records, and accounts of Title IV-A administrative agencies, and 37312  
other matters related to Title IV-A programs; 37313

(4) Make such reports, in such form and containing such 37314  
information as the department may find necessary to assure the 37315  
correctness and verification of such reports, regarding Title IV-A 37316  
programs; 37317

(5) Require reports and information from each Title IV-A 37318  
administrative agency as may be necessary or advisable regarding a 37319  
Title IV-A program; 37320

(6) Afford a fair hearing in accordance with section 5101.35 37321  
of the Revised Code to any applicant for, or participant or former 37322  
participant of, a Title IV-A program aggrieved by a decision 37323  
regarding the program; 37324

(7) Administer and expend, pursuant to Chapters 5104., 5107., 37325  
and 5108. of the Revised Code and sections 5101.801, 5101.802, 37326  
5101.803, and 5101.804 of the Revised Code, any sums appropriated 37327  
by the general assembly for the purpose of those chapters and 37328  
sections and all sums paid to the state by the secretary of the 37329  
treasury of the United States as authorized by Title IV-A of the 37330  
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 37331  
amended; 37332

(8) Conduct investigations and audits as are necessary 37333  
regarding Title IV-A programs; 37334

(9) Enter into reciprocal agreements with other states 37335  
relative to the provision of Ohio works first and prevention, 37336  
retention, and contingency to residents and nonresidents; 37337

(10) Contract with a private entity to conduct an independent 37338  
on-going evaluation of the Ohio works first program and the 37339  
prevention, retention, and contingency program. The contract must 37340  
require the private entity to do all of the following: 37341

(a) Examine issues of process, practice, impact, and 37342  
outcomes; 37343

(b) Study former participants of Ohio works first who have 37344  
not participated in Ohio works first for at least one year to 37345  
determine whether they are employed, the type of employment in 37346  
which they are engaged, the amount of compensation they are 37347  
receiving, whether their employer provides health insurance, 37348  
whether and how often they have received benefits or services 37349  
under the prevention, retention, and contingency program, and 37350  
whether they are successfully self sufficient; 37351

(c) Provide the department with reports at times the department specifies. 37352  
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(11) Not later than the last day of each January and July, prepare a report containing information on the following: 37354  
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(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code. 37356  
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(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption. 37359  
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(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under division (C)(11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request. 37362  
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(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section. 37369  
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**Sec. 5101.801.** (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program 37379  
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identified under division (A)(4)(c), (d), (e), (f), ~~or (g)~~, or (h) 37382  
of section 5101.80 of the Revised Code shall provide benefits and 37383  
services that are not "assistance" as defined in 45 C.F.R. 37384  
260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) 37385  
excludes from the definition of assistance. 37386

(B)(1) Except as otherwise provided by the law enacted by the 37387  
general assembly or executive order issued by the governor 37388  
establishing the Title IV-A program, the department of job and 37389  
family services shall do either of the following regarding a Title 37390  
IV-A program identified under division (A)(4)(c), (d), (e), (f), 37391  
~~or (g)~~, or (h) of section 5101.80 of the Revised Code: 37392

(a) Administer the program or supervise a county family 37393  
services agency's administration of the program; 37394

(b) Enter into an interagency agreement with a state agency 37395  
for the state agency to administer the program under the 37396  
department's supervision. 37397

(2) The department may enter into an agreement with a 37398  
government entity and, to the extent permitted by federal law, a 37399  
private, not-for-profit entity for the entity to receive funding 37400  
for a project under the Title IV-A demonstration program created 37401  
under section 5101.803 of the Revised Code. 37402

(3) To the extent permitted by federal law, the department 37403  
may enter into an agreement with a private, not-for-profit entity 37404  
for the entity to receive funds under the Ohio parenting and 37405  
pregnancy program created under section 5101.804 of the Revised 37406  
Code. 37407

(4) To the extent permitted by federal law, the department 37408  
may enter into an agreement with a private, not-for-profit entity 37409  
for the entity to receive funds as recommended by the Ohio 37410  
commission on fatherhood under section 5101.805 of the Revised 37411  
Code. 37412

(C) The department may adopt rules governing Title IV-A 37413  
programs identified under divisions (A)(4)(c), (d), (e), (f), ~~and~~ 37414  
(g), and (h) of section 5101.80 of the Revised Code. Rules 37415  
governing financial and operational matters of the department or 37416  
between the department and county family services agencies shall 37417  
be adopted as internal management rules adopted in accordance with 37418  
section 111.15 of the Revised Code. All other rules shall be 37419  
adopted in accordance with Chapter 119. of the Revised Code. 37420

(D) If the department enters into an agreement regarding a 37421  
Title IV-A program identified under division (A)(4)(c), (e), (f), 37422  
~~or (g), or (h)~~ of section 5101.80 of the Revised Code pursuant to 37423  
division (B)(1)(b) or (2) of this section, the agreement shall 37424  
include at least all of the following: 37425

(1) A requirement that the state agency or entity comply with 37426  
the requirements for the program or project, including all of the 37427  
following requirements established by federal statutes and 37428  
regulations, state statutes and rules, the United States office of 37429  
management and budget, and the Title IV-A state plan prepared 37430  
under section 5101.80 of the Revised Code: 37431

(a) Eligibility; 37432

(b) Reports; 37433

(c) Benefits and services; 37434

(d) Use of funds; 37435

(e) Appeals for applicants for, and recipients and former 37436  
recipients of, the benefits and services; 37437

(f) Audits. 37438

(2) A complete description of all of the following: 37439

(a) The benefits and services that the program or project is 37440  
to provide; 37441

(b) The methods of program or project administration; 37442

(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services; 37443  
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(d) Other requirements that the department requires be included. 37446  
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(3) Procedures for the department to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established; 37448  
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(4) Provisions regarding how the department is to reimburse the state agency or entity for allowable expenditures under the program or project that the department approves, including all of the following: 37452  
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(a) Limitations on administrative costs; 37456

(b) The department, at its discretion, doing either of the following: 37457  
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(i) Withholding no more than five per cent of the funds that the department would otherwise provide to the state agency or entity for the program or project; 37459  
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(ii) Charging the state agency or entity for the costs to the department of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project. 37462  
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(5) If the state agency or entity arranges by contract, grant, or other agreement for another entity to perform a function the state agency or entity would otherwise perform regarding the program or project, the state agency or entity's responsibilities for both of the following: 37466  
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(a) Ensuring that the other entity complies with the agreement between the state agency or entity and department and 37471  
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federal statutes and regulations and state statutes and rules 37473  
governing the use of funds for the program or project; 37474

(b) Auditing the other entity in accordance with requirements 37475  
established by the United States office of management and budget. 37476

(6) The state agency or entity's responsibilities regarding 37477  
the prompt payment, including any interest assessed, of any 37478  
adverse audit finding, final disallowance of federal funds, or 37479  
other sanction or penalty imposed by the federal government, 37480  
auditor of state, department, a court, or other entity regarding 37481  
funds for the program or project; 37482

(7) Provisions for the department to terminate the agreement 37483  
or withhold reimbursement from the state agency or entity if 37484  
either of the following occur: 37485

(a) The federal government disapproves the program or project 37486  
or reduces federal funds for the program or project; 37487

(b) The state agency or entity fails to comply with the terms 37488  
of the agreement. 37489

(8) Provisions for both of the following: 37490

(a) The department and state agency or entity determining the 37491  
performance outcomes expected for the program or project; 37492

(b) An evaluation of the program or project to determine its 37493  
success in achieving the performance outcomes determined under 37494  
division (D)(8)(a) of this section. 37495

(E) To the extent consistent with the law enacted by the 37496  
general assembly or executive order issued by the governor 37497  
establishing the Title IV-A program and subject to the approval of 37498  
the director of budget and management, the director of job and 37499  
family services may terminate a Title IV-A program identified 37500  
under division (A)(4)(c), (d), (e), (f), ~~or~~ (g), or (h) of section 37501  
5101.80 of the Revised Code or reduce funding for the program if 37502

the director of job and family services determines that federal or 37503  
state funds are insufficient to fund the program. If the director 37504  
of budget and management approves the termination or reduction in 37505  
funding for such a program, the director of job and family 37506  
services shall issue instructions for the termination or funding 37507  
reduction. If a Title IV-A administrative agency is administering 37508  
the program, the agency is bound by the termination or funding 37509  
reduction and shall comply with the director's instructions. 37510

(F) The director of job and family services may adopt 37511  
internal management rules in accordance with section 111.15 of the 37512  
Revised Code as necessary to implement this section. The rules are 37513  
binding on each Title IV-A administrative agency. 37514

**Sec. 5101.802.** (A) As used in this section: 37515

(1) "Custodian," "guardian," and "minor child" have the same 37516  
meanings as in section 5107.02 of the Revised Code. 37517

(2) "Federal poverty guidelines" has the same meaning as in 37518  
section 5101.46 of the Revised Code. 37519

(3) "Kinship caregiver" has the same meaning as in section 37520  
5101.85 of the Revised Code. 37521

(B) Subject to division (E) of section 5101.801 of the 37522  
Revised Code, there is hereby created the kinship permanency 37523  
incentive program to promote permanency for a minor child in the 37524  
legal and physical custody of a kinship caregiver. The program 37525  
shall provide an initial one-time incentive payment to the kinship 37526  
caregiver to defray the costs of initial placement of the minor 37527  
child in the kinship caregiver's home. The program may provide 37528  
additional permanency incentive payments for the minor child at 37529  
six-month intervals, based on the availability of funds. An 37530  
eligible caregiver may receive a maximum of eight incentive 37531  
payments per minor child. 37532

(C) A kinship caregiver may participate in the program if all 37533  
of the following requirements are met: 37534

(1) The kinship caregiver applies to a public children 37535  
services agency in accordance with the application process 37536  
established in rules authorized by division (E) of this section; 37537

(2) Not earlier than July 1, 2005, a juvenile court issues an 37538  
order granting legal custody to the kinship caregiver, or a 37539  
probate court grants guardianship to the kinship caregiver, except 37540  
that a temporary court order is not sufficient to meet this 37541  
requirement; 37542

(3) The kinship caregiver is either the minor child's 37543  
custodian or guardian; 37544

(4) The minor child resides with the kinship caregiver 37545  
pursuant to a placement approval process established in rules 37546  
authorized by division (E) of this section; 37547

(5) Excluding any income excluded under rules adopted under 37548  
division (E) of this section, the gross income of the kinship 37549  
caregiver's family, including the minor child, does not exceed 37550  
three hundred per cent of the federal poverty guidelines. 37551

(6) The kinship caregiver is not receiving kinship 37552  
guardianship assistance under Title IV-E of the "Social Security 37553  
Act," 42 U.S.C. 673(d), as amended, described in section 5101.1411 37554  
of the Revised Code or pursuant to section 5153.163 of the Revised 37555  
Code. 37556

(D) Public children services agencies shall make initial and 37557  
ongoing eligibility determinations for the kinship permanency 37558  
incentive program in accordance with rules authorized by division 37559  
(E) of this section. The director of job and family services shall 37560  
supervise public children services agencies' duties under this 37561  
section. 37562

(E) The director of job and family services shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the kinship permanency incentive program. The rules shall establish all of the following:

(1) The application process for the program;

(2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program;

(3) The initial and ongoing eligibility determination process for the program, including the computation of income eligibility;

(4) The amount of the incentive payments provided under the program;

(5) The method by which the incentive payments are provided to a kinship caregiver.

(F) The amendments made to this section by Am. Sub. H.B. 119 of the 127th general assembly shall not affect the eligibility of any kinship caregiver whose eligibility was established before June 30, 2007.

Sec. 5101.805. (A) Subject to division (E) of section 5101.801 of the Revised Code, the Ohio commission on fatherhood created under section 5101.34 of the Revised Code may make recommendations to the director of job and family services regarding funding, approval, and implementation of fatherhood programs in this state that meet at least one of the four purposes of the temporary assistance for needy families block grant, as specified in 42 U.S.C. 601.

(B) The department of job and family services may provide funding under this section to government entities and, to the extent permitted by federal law, private, not-for-profit entities with which the department enters into agreements under division

(B)(4) of section 5101.801 of the Revised Code. 37593

(C) The director shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement this section. 37594  
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**Sec. 5101.971.** ~~(A) The department of human services shall prepare an annual report on individual development account programs established by county departments of human services based on the information provided pursuant to division (E) of section 329.12 of the Revised Code and file the report with the governor, president and minority leader of the senate, and speaker and minority leader of the house of representatives. The department shall file the report on the first day of October of each year, beginning in 1998.~~ 37597  
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~~(B)~~ The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to govern the implementation of individual development account programs under sections 329.11 to 329.14 of the Revised Code by county departments of ~~human~~ job and family services, which shall include rules covering ~~all~~ both of the following: 37606  
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~~(1)~~ (A) Imposing a penalty for unauthorized use of matching contributions; 37612  
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~~(2)~~ Specifying the information that must be included in the county department's report to the department under section 329.12 of the Revised Code; 37614  
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~~(3)~~ (B) Specifying the responsibilities of a fiduciary organization under an individual development account program established under section 329.12 of the Revised Code. The rules shall be consistent with section 404(h) of the "Social Security Act" as amended by the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," ~~110 Stat. 2105,~~ 42 U.S.C. 37617  
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604(h). 37623

The responsibilities of a fiduciary organization may include 37624  
marketing; soliciting matching contributions; counseling account 37625  
holders; conducting verification, compliance, and evaluation 37626  
activities; and any other responsibilities considered appropriate 37627  
by the state department. 37628

**Sec. 5103.02.** As used in sections 5103.03 to 5103.181 of the 37629  
Revised Code: 37630

(A)(1) "Association" or "institution" includes all of the 37631  
following: 37632

(a) Any incorporated or unincorporated organization, society, 37633  
association, or agency, public or private, that receives or cares 37634  
for children for two or more consecutive weeks; 37635

(b) Any individual, including the operator of a foster home, 37636  
who, for hire, gain, or reward, receives or cares for children for 37637  
two or more consecutive weeks, unless the individual is related to 37638  
them by blood or marriage; 37639

(c) Any individual not in the regular employ of a court, or 37640  
of an institution or association certified in accordance with 37641  
section 5103.03 of the Revised Code, who in any manner becomes a 37642  
party to the placing of children in foster homes, unless the 37643  
individual is related to such children by blood or marriage or is 37644  
the appointed guardian of such children. 37645

(2) "Association" or "institution" does not include any of 37646  
the following: 37647

(a) Any organization, society, association, school, agency, 37648  
child guidance center, detention or rehabilitation facility, or 37649  
children's clinic licensed, regulated, approved, operated under 37650  
the direction of, or otherwise certified by the department of 37651  
education, a local board of education, the department of youth 37652

services, the department of mental health and addiction services, 37653  
or the department of developmental disabilities; 37654

(b) Any individual who provides care for only a single-family 37655  
group, placed there by their parents or other relative having 37656  
custody; 37657

(c) A private, nonprofit therapeutic wilderness camp; 37658

(d) A qualified organization as defined in section 2151.90 of 37659  
the Revised Code. 37660

(B) "Family foster home" means a foster home that is not a 37661  
specialized foster home. 37662

(C) "Foster caregiver" means a person holding a valid foster 37663  
home certificate issued under section 5103.03 of the Revised Code. 37664

(D) "Foster home" means a private residence in which children 37665  
are received apart from their parents, guardian, or legal 37666  
custodian, by an individual reimbursed for providing the children 37667  
nonsecure care, supervision, or training twenty-four hours a day. 37668  
"Foster home" does not include care provided for a child in the 37669  
home of a person other than the child's parent, guardian, or legal 37670  
custodian while the parent, guardian, or legal custodian is 37671  
temporarily away. Family foster homes and specialized foster homes 37672  
are types of foster homes. 37673

(E) Kinship caregiver" has the same meaning as in section 37674  
5101.85 of the Revised Code. 37675

(F) "Medically fragile foster home" means a foster home that 37676  
provides specialized medical services designed to meet the needs 37677  
of children with intensive health care needs who meet all of the 37678  
following criteria: 37679

(1) Under rules adopted by the medicaid director governing 37680  
medicaid payments for long-term care services, the children 37681  
require a skilled level of care. 37682

(2) The children require the services of a doctor of medicine	37683
or osteopathic medicine at least once a week due to the	37684
instability of their medical conditions.	37685
(3) The children require the services of a registered nurse	37686
on a daily basis.	37687
(4) The children are at risk of institutionalization in a	37688
hospital, skilled nursing facility, or intermediate care facility	37689
for individuals with intellectual disabilities.	37690
<del>(F)</del> <u>(G)</u> "Private, nonprofit therapeutic wilderness camp" means	37691
a structured, alternative residential setting for children who are	37692
experiencing emotional, behavioral, moral, social, or learning	37693
difficulties at home or school in which all of the following are	37694
the case:	37695
(1) The children spend the majority of their time, including	37696
overnight, either outdoors or in a primitive structure.	37697
(2) The children have been placed there by their parents or	37698
another relative having custody.	37699
(3) The camp accepts no public funds for use in its	37700
operations.	37701
<del>(G)</del> <u>(H)</u> "Recommending agency" means a public children services	37702
agency, private child placing agency, or private noncustodial	37703
agency that recommends that the department of job and family	37704
services take any of the following actions under section 5103.03	37705
of the Revised Code regarding a foster home:	37706
(1) Issue a certificate;	37707
(2) Deny a certificate;	37708
(3) Renew a certificate;	37709
(4) Deny renewal of a certificate;	37710
(5) Revoke a certificate.	37711

~~(H)~~(I) "Resource caregiver" means a foster caregiver or a kinship caregiver. 37712  
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(J) "Resource family" means a foster home or the kinship caregiver family. 37714  
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(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home. 37716  
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~~(I)~~(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs. 37718  
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**Sec. 5103.0310.** (A) Prior to employing a person or engaging a subcontractor, intern, or volunteer, an institution or association, as defined in division (A)(1)(a) of section 5103.02 of the Revised Code, that is a residential facility, as defined in division (A)(6) of section 5103.05 of the Revised Code, shall do the following regarding the person, subcontractor, intern, or volunteer: 37725  
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(1) ~~Conduct~~ Obtain a search of the United States department of justice national sex offender public web site regarding the person; 37732  
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(2) ~~Request~~ Obtain a summary report of a search of the uniform statewide automated child welfare information system in accordance with divisions (A) and (B) of section 5103.18 of the Revised Code. 37735  
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(B) An institution or association, as defined in division (A)(1)(a) of section 5103.02 of the Revised Code, that is not a residential facility, as defined in division (A)(6) of section 37739  
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5103.05 of the Revised Code, shall obtain the search and summary report described in division (A) of this section before hiring a person, or engaging a subcontractor, intern, or volunteer, who will have access to children. 37742  
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(C) If, at the time of the effective date of this amendment, the institution or association has not obtained a report required under division (A) or (B) of this section for the person, subcontractor, intern, or volunteer, the institution or association shall obtain the report. 37746  
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(D) The institution or association may refuse to hire employ the person or engage the subcontractor, intern, or volunteer based solely on the results of the search described in division (A)(1) or (B) of this section or the findings of the summary report described in division (B)(1)(a) of section 5103.18 of the Revised Code. 37751  
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~~(C)~~(E) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section. 37757  
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**Sec. 5103.163.** (A) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to establish and enforce a resource family bill of rights for resource families providing care for individuals who are in the custody or care and placement of an agency that provides Title IV-E reimbursable services pursuant to sections 5103.03 to 5103.181 of the Revised Code. 37760  
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(B) If the rights of the resource family conflict with the rights of the individual established by section 2151.316 of the Revised Code, division (B) of section 2151.316 of the Revised Code shall apply. 37767  
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(C) The rights established by rules under this section shall 37771

not create grounds for a civil action against the department, the 37772  
recommending agency, or the custodial agency. 37773

**Sec. 5104.01.** As used in this chapter: 37774

(A) "Administrator" means the person responsible for the 37775  
daily operation of a center, type A home, or approved child day 37776  
camp. The administrator and the owner may be the same person. 37777

(B) "Approved child day camp" means a child day camp approved 37778  
pursuant to section 5104.22 of the Revised Code. 37779

(C) "Authorized representative" means an individual employed 37780  
by a center, type A home, or approved child day camp that is owned 37781  
by a person other than an individual and who is authorized by the 37782  
owner to do all of the following: 37783

(1) Communicate on the owner's behalf; 37784

(2) Submit on the owner's behalf applications for licensure 37785  
or approval; 37786

(3) Enter into on the owner's behalf provider agreements for 37787  
publicly funded child care. 37788

(D) "Border state child care provider" means a child care 37789  
provider that is located in a state bordering Ohio and that is 37790  
licensed, certified, or otherwise approved by that state to 37791  
provide child care funded by the child care block grant act. 37792

(E) "Career pathways model" means an alternative pathway to 37793  
meeting the requirements to be a child-care staff member or 37794  
administrator that does both of the following: 37795

(1) Uses a framework approved by the director of job and 37796  
family services to document formal education, training, 37797  
experience, and specialized credentials and certifications; 37798

(2) Allows the child-care staff member or administrator to 37799  
achieve a designation as an early childhood professional level 37800

one, two, three, four, five, or six. 37801

(F) "Caretaker parent" means the father or mother of a child 37802  
whose presence in the home is needed as the caretaker of the 37803  
child, a person who has legal custody of a child and whose 37804  
presence in the home is needed as the caretaker of the child, a 37805  
guardian of a child whose presence in the home is needed as the 37806  
caretaker of the child, and any other person who stands in loco 37807  
parentis with respect to the child and whose presence in the home 37808  
is needed as the caretaker of the child. 37809

(G) "Chartered nonpublic school" means a school that meets 37810  
standards for nonpublic schools prescribed by the state board of 37811  
education for nonpublic schools pursuant to section 3301.07 of the 37812  
Revised Code. 37813

(H) "Child" includes an infant, toddler, preschool-age child, 37814  
or school-age child. 37815

(I) "Child care block grant act" means the "Child Care and 37816  
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 37817  
U.S.C. 9858, as amended. 37818

(J) "Child day camp" means a program in which only school-age 37819  
children attend or participate, that operates for no more than 37820  
twelve hours per day and no more than fifteen weeks during the 37821  
summer. For purposes of this division, the maximum twelve hours of 37822  
operation time does not include transportation time from a child's 37823  
home to a child day camp and from a child day camp to a child's 37824  
home. 37825

(K) "Child care" means all of the following: 37826

(1) Administering to the needs of infants, toddlers, 37827  
preschool-age children, and school-age children outside of school 37828  
hours; 37829

(2) By persons other than their parents, guardians, or 37830

custodians;	37831
(3) For part of the twenty-four-hour day;	37832
(4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home;	37833 37834
(5) By a provider required by this chapter to be licensed or approved by the department of job and family services, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.	37835 37836 37837 37838 37839
(L) "Child day-care center" and "center" mean any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven or more children at one time. "Child day-care center" and "center" do not include any of the following:	37840 37841 37842 37843 37844
(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;	37845 37846 37847 37848 37849 37850 37851 37852 37853 37854
(2) A child day camp;	37855
(3) A place that provides care, if all of the following apply:	37856 37857
(a) An organized religious body provides the care;	37858
(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all	37859 37860

times;	37861
(c) The care is not provided for more than thirty days a year;	37862 37863
(d) The care is provided only for preschool-age and school-age children.	37864 37865
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	37866 37867 37868
(N) "Child care resource and referral services" means all of the following services:	37869 37870
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	37871 37872 37873
(2) Provision of individualized consumer education to families seeking child care;	37874 37875
(3) Provision of timely referrals of available child care providers to families seeking child care;	37876 37877
(4) Recruitment of child care providers;	37878
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	37879 37880 37881 37882
(6) Collection and analysis of data on the supply of and demand for child care in the community;	37883 37884
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	37885 37886 37887
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for	37888 37889

their employees and for the community;	37890
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	37891 37892
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	37893 37894 37895 37896
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.	37897 37898 37899 37900
(O) "Child-care staff member" means an employee of a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care staff member when not involved in other duties.	37901 37902 37903 37904 37905 37906
(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	37907 37908 37909 37910
(Q) "Employee" means a person who either:	37911
(1) Receives compensation for duties performed in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp;	37912 37913 37914
(2) Is assigned specific working hours or duties in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp.	37915 37916 37917
(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center,	37918 37919

type A family day-care home, licensed type B family day-care home, 37920  
or approved child day camp subject to licensure or approval under 37921  
this chapter. 37922

(S) "Federal poverty line" means the official poverty 37923  
guideline as revised annually in accordance with section 673(2) of 37924  
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 37925  
U.S.C. 9902, as amended, for a family size equal to the size of 37926  
the family of the person whose income is being determined. 37927

(T) "Head start program" means a ~~comprehensive child~~ 37928  
~~development~~ school-readiness program ~~serving birth to three years~~ 37929  
~~old and preschool age children that receives~~ satisfies all of the 37930  
following: 37931

(1) Is for children from birth to age five who are from 37932  
low-income families; 37933

(2) Receives funds distributed under the "Improving Head 37934  
Start for School-Readiness Act of 2007," ~~95 Stat. 499 (1981),~~ 42 37935  
U.S.C.A. 9831, as amended, ~~and is;~~ 37936

(3) Is licensed as a child care program. 37937

(U) "Homeless child care" means child care provided to a 37938  
child who satisfies any of the following: 37939

(1) Is homeless as defined in 42 U.S.C. 11302; 37940

(2) Is a homeless child or youth as defined in 42 U.S.C. 37941  
11434a; 37942

(3) Resides temporarily with a caretaker in a facility 37943  
providing emergency shelter for homeless families or is determined 37944  
by a county department of job and family services to be homeless. 37945

(V) "Income" means gross income, as defined in section 37946  
5107.10 of the Revised Code, less any amounts required by federal 37947  
statutes or regulations to be disregarded. 37948

(W) "Indicator checklist" means an inspection tool, used in 37949

conjunction with an instrument-based program monitoring 37950  
information system, that contains selected licensing requirements 37951  
that are statistically reliable indicators or predictors of a 37952  
child day-care center's type A family day-care home's, or licensed 37953  
type B family day-care home's compliance with licensing 37954  
requirements. 37955

(X) "Infant" means a child who is less than eighteen months 37956  
of age. 37957

(Y) "In-home aide" means a person who does not reside with 37958  
the child but provides care in the child's home and is certified 37959  
by a county director of job and family services pursuant to 37960  
section 5104.12 of the Revised Code to provide publicly funded 37961  
child care to a child in a child's own home pursuant to this 37962  
chapter and any rules adopted under it. 37963

(Z) "Instrument-based program monitoring information system" 37964  
means a method to assess compliance with licensing requirements 37965  
for child day-care centers, type A family day-care homes, and 37966  
licensed type B family day-care homes in which each licensing 37967  
requirement is assigned a weight indicative of the relative 37968  
importance of the requirement to the health, growth, and safety of 37969  
the children that is used to develop an indicator checklist. 37970

(AA) "License capacity" means the maximum number in each age 37971  
category of children who may be cared for in a child day-care 37972  
center, type A family day-care home, or licensed type B family 37973  
day-care home at one time as determined by the director of job and 37974  
family services considering building occupancy limits established 37975  
by the department of commerce, amount of available indoor floor 37976  
space and outdoor play space, and amount of available play 37977  
equipment, materials, and supplies. 37978

(BB) "Licensed child care program" means any of the 37979  
following: 37980

(1) A child day-care center licensed by the department of job and family services pursuant to this chapter;	37981 37982
(2) A type A family day-care home or type B family day-care home licensed by the department of job and family services pursuant to this chapter;	37983 37984 37985
(3) A licensed preschool program or licensed school child program.	37986 37987
(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code.	37988 37989 37990 37991 37992
(DD) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code.	37993 37994 37995 37996
(EE) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter.	37997 37998 37999 38000 38001
(FF) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.	38002 38003
(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.	38004 38005
(HH) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without	38006 38007 38008 38009 38010

gain to the corporation or association as an entity, in which the 38011  
services of the corporation or association are provided only to 38012  
children of the members of the corporation or association, 38013  
ownership and control of the corporation or association rests 38014  
solely with the members of the corporation or association, and at 38015  
least one parent-member of the corporation or association is on 38016  
the premises of the center or type A home during its hours of 38017  
operation. 38018

(II) "Part-time child day-care center," "part-time center," 38019  
"part-time type A family day-care home," and "part-time type A 38020  
home" mean a center or type A home that provides child care or 38021  
publicly funded child care for not more than four hours a day for 38022  
any child or not more than fifteen consecutive weeks per year, 38023  
regardless of the number of hours per day. 38024

(JJ) "Place of worship" means a building where activities of 38025  
an organized religious group are conducted and includes the 38026  
grounds and any other buildings on the grounds used for such 38027  
activities. 38028

(KK) "Preschool-age child" means a child who is three years 38029  
old or older but is not a school-age child. 38030

(LL) "Protective child care" means publicly funded child care 38031  
for the direct care and protection of a child to whom all of the 38032  
following apply: 38033

(1) A case plan has been prepared and maintained for the 38034  
child pursuant to section 2151.412 of the Revised Code. 38035

(2) The case plan indicates a need for protective care. 38036

(3) The child resides with a parent, stepparent, guardian, or 38037  
another person who stands in loco parentis as defined in rules 38038  
adopted under section 5104.38 of the Revised Code. 38039

(MM) "Publicly funded child care" means administering to the 38040

needs of infants, toddlers, preschool-age children, and school-age 38041  
children under age thirteen during any part of the 38042  
twenty-four-hour day by persons other than their caretaker parents 38043  
for remuneration wholly or in part with federal or state funds, 38044  
including funds available under the child care block grant act, 38045  
Title IV-A, and Title XX, distributed by the department of job and 38046  
family services. 38047

(NN) "Religious activities" means any of the following: 38048  
worship or other religious services; religious instruction; Sunday 38049  
school classes or other religious classes conducted during or 38050  
prior to worship or other religious services; youth or adult 38051  
fellowship activities; choir or other musical group practices or 38052  
programs; meals; festivals; or meetings conducted by an organized 38053  
religious group. 38054

(OO) "School-age child" means a child who is enrolled in or 38055  
is eligible to be enrolled in a grade of kindergarten or above but 38056  
is less than fifteen years old or, in the case of a child who is 38057  
receiving special needs child care, is less than eighteen years 38058  
old. 38059

(PP) "Serious risk noncompliance" means a licensure or 38060  
certification rule violation that leads to a great risk of harm 38061  
to, or death of, a child, and is observable, not inferable. 38062  
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(QQ) "Special needs child care" means child care provided to 38064  
a child who is less than eighteen years of age and either has one 38065  
or more chronic health conditions or does not meet age appropriate 38066  
expectations in one or more areas of development, including 38067  
social, emotional, cognitive, communicative, perceptual, motor, 38068  
physical, and behavioral development and that may include on a 38069  
regular basis such services, adaptations, modifications, or 38070  
adjustments needed to assist in the child's function or 38071

development. 38072

(RR) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 38073  
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(SS) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 38075  
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(TT) "Toddler" means a child who is at least eighteen months of age but less than three years of age. 38077  
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(UU) "Type A family day-care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp. 38079  
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(VV) "Type B family day-care home" and "type B home" mean a permanent residence of the provider in which care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp. 38090  
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**Sec. 5104.017.** The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including parent 38099  
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cooperative type A homes, part-time type A homes, and drop-in type 38102  
A homes, ~~and school age child type A homes~~. The rules shall 38103  
reflect the various forms of child care and the needs of children 38104  
receiving child care. The rules shall include the following: 38105

(A) Submission of a site plan and descriptive plan of 38106  
operation to demonstrate how the type A home proposes to meet the 38107  
requirements of this chapter and rules adopted pursuant to this 38108  
chapter for the initial license application; 38109

(B) Standards for ensuring that the physical surroundings of 38110  
the type A home are safe and sanitary, including the physical 38111  
environment, the physical plant, and the equipment of the type A 38112  
home; 38113

(C) Standards for the supervision, care, and discipline of 38114  
children receiving child care or publicly funded child care in the 38115  
type A home; 38116

(D) Standards for a program of activities, and for play 38117  
equipment, materials, and supplies, to enhance the development of 38118  
each child; however, any educational curricula, philosophies, and 38119  
methodologies that are developmentally appropriate and that 38120  
enhance the social, emotional, intellectual, and physical 38121  
development of each child shall be permissible; 38122

(E) Admissions policies and procedures; 38123

(F) Health care policies and procedures, including procedures 38124  
for the isolation of children with communicable diseases; 38125

(G) First aid and emergency procedures; 38126

(H) Procedures for discipline and supervision of children; 38127

(I) Standards for the provision of nutritious meals and 38128  
snacks; 38129

(J) Procedures for screening children, including any 38130

necessary physical examinations and the immunizations required	38131
pursuant to section 5104.014 of the Revised Code;	38132
(K) Procedures for screening employees, including any	38133
necessary physical examinations and immunizations;	38134
(L) Methods for encouraging parental participation in the	38135
type A home and methods for ensuring that the rights of children,	38136
parents, and employees are protected and that the responsibilities	38137
of parents and employees are met;	38138
(M) Procedures for ensuring the safety and adequate	38139
supervision of children traveling off the premises of the type A	38140
home while under the care of a type A home employee;	38141
(N) Procedures for record keeping, organization, and	38142
administration;	38143
(O) Procedures for issuing, denying, and revoking a license	38144
that are not otherwise provided for in Chapter 119. of the Revised	38145
Code;	38146
(P) Inspection procedures;	38147
(Q) Procedures and standards for setting initial license	38148
application fees;	38149
(R) Procedures for receiving, recording, and responding to	38150
complaints about type A homes;	38151
(S) Procedures for enforcing section 5104.04 of the Revised	38152
Code;	38153
(T) A standard requiring the inclusion of a current	38154
department of job and family services toll-free telephone number	38155
on each type A home license that any person may use to report a	38156
suspected violation by the type A home of this chapter or rules	38157
adopted pursuant to this chapter;	38158
(U) Requirements for the training of administrators and	38159
child-care staff members in first aid, in prevention, recognition,	38160

and management of communicable diseases, and in child abuse	38161
recognition and prevention;	38162
(V) Standards providing for the special needs of children who	38163
are handicapped or who require treatment for health conditions	38164
while the child is receiving child care or publicly funded child	38165
care in the type A home;	38166
(W) Standards for the maximum number of children per	38167
child-care staff member;	38168
(X) Requirements for the amount of usable indoor floor space	38169
for each child;	38170
(Y) Requirements for safe outdoor play space;	38171
(Z) Qualifications and training requirements for	38172
administrators and for child-care staff members;	38173
(AA) Procedures for granting a parent who is the residential	38174
parent and legal custodian, or a custodian or guardian access to	38175
the type A home during its hours of operation;	38176
(BB) <del>Standards for the preparation and distribution of a</del>	38177
<del>roster of parents, custodians, and guardians;</del>	38178
<del>(CC)</del> Minimum requirements for instructional time for type A	38179
homes rated through the step up to quality program established	38180
pursuant to section 5104.29 of the Revised Code;	38181
<del>(DD)</del> <u>(CC)</u> Any other procedures and standards necessary to	38182
carry out the provisions of this chapter regarding type A homes.	38183
<b>Sec. 5104.07.</b> (A) The director of job and family services may	38184
prescribe additional requirements for licensing child day-care	38185
centers or type A family day-care homes that provide publicly	38186
funded child care pursuant to this chapter and any rules adopted	38187
under it. The director shall develop standards as required by	38188
federal laws and regulations for child care programs supported by	38189

federal funds. 38190

(B)(1) On or before February 28, 1992, the department of job 38191  
and family services shall develop a statewide plan for child care 38192  
resource and referral services. The plan shall be based upon the 38193  
experiences of other states with respect to child care resource 38194  
and referral services, the experiences of communities in this 38195  
state that have child care resource and referral service 38196  
organizations, and the needs of communities in this state that do 38197  
not have child care resource and referral service organizations. 38198  
The plan shall be designed to ensure that child care resource and 38199  
referral services are available in each county in the state to 38200  
families who need child care. The department shall consider the 38201  
special needs of migrant workers when it develops the plan and 38202  
shall include in the plan procedures designed to accommodate the 38203  
needs of migrant workers. 38204

~~(2) The director of job and family services shall adopt rules 38205  
for funding child care resource and referral service 38206  
organizations. The rules In addition to the requirements described 38207  
in division (B)(1) of this section, the plan shall include all of 38208  
the following: 38209~~

(a) A description of the services that a child care resource 38210  
and referral service organization is required to provide to 38211  
families who need child care; 38212

(b) The qualifications for a child care resource and referral 38213  
service organization; 38214

(c) A description of the procedures for providing federal and 38215  
state funding for county or multicounty child care resource and 38216  
referral service organizations; 38217

(d) A timetable for providing child care resource and 38218  
referral services to all communities in the state; 38219

(e) Uniform information gathering and reporting procedures 38220

that are designed to be used in compatible computer systems; 38221

(f) Procedures for establishing statewide nonprofit technical 38222  
assistance services to coordinate uniform data collection and to 38223  
publish reports on child care supply, demand, and cost and to 38224  
provide technical assistance to communities that do not have child 38225  
care resource and referral service organizations and to existing 38226  
child care resource and referral service organizations; 38227

(g) Requirements governing contracts entered into under 38228  
division (C) of this section, which may include limits on the 38229  
percentage of funds distributed by the department that may be used 38230  
for the contracts. 38231

(C) Child care resource and referral service organizations 38232  
receiving funds distributed by the department may, ~~in accordance~~ 38233  
~~with rules adopted under division (B)(2) of this section,~~ enter 38234  
into contracts with local governmental entities, nonprofit 38235  
organizations including nonprofit organizations that provide child 38236  
care, and individuals under which the entities, organizations, or 38237  
individuals may provide child care resource and referral services 38238  
in the community with those funds, if the contracts are submitted 38239  
to and approved by the department prior to execution. 38240

**Sec. 5104.34.** (A)(1) Each county department of job and family 38241  
services shall implement procedures for making determinations of 38242  
eligibility for publicly funded child care. Under those 38243  
procedures, the eligibility determination for each applicant shall 38244  
be made no later than thirty calendar days from the date the 38245  
county department receives a completed application for publicly 38246  
funded child care. Each applicant shall be notified promptly of 38247  
the results of the eligibility determination. An applicant 38248  
aggrieved by a decision or delay in making an eligibility 38249  
determination may appeal the decision or delay to the department 38250  
of job and family services in accordance with section 5101.35 of 38251

the Revised Code. The due process rights of applicants shall be 38252  
protected. 38253

To the extent permitted by federal law, the county department 38254  
may make all determinations of eligibility for publicly funded 38255  
child care, may contract with child care providers or child care 38256  
resource and referral service organizations for the providers or 38257  
resource and referral service organizations to make all or any 38258  
part of the determinations, and may contract with child care 38259  
providers or child care resource and referral service 38260  
organizations for the providers or resource and referral service 38261  
organizations to collect specified information for use by the 38262  
county department in making determinations. If a county department 38263  
contracts with a child care provider or a child care resource and 38264  
referral service organization for eligibility determinations or 38265  
for the collection of information, the contract shall require the 38266  
provider or resource and referral service organization to make 38267  
each eligibility determination no later than thirty calendar days 38268  
from the date the provider or resource and referral organization 38269  
receives a completed application that is the basis of the 38270  
determination and to collect and transmit all necessary 38271  
information to the county department within a period of time that 38272  
enables the county department to make each eligibility 38273  
determination no later than thirty days after the filing of the 38274  
application that is the basis of the determination. 38275

The county department may station employees of the department 38276  
in various locations throughout the county to collect information 38277  
relevant to applications for publicly funded child care and to 38278  
make eligibility determinations. The county department, child care 38279  
provider, and child care resource and referral service 38280  
organization shall make each determination of eligibility for 38281  
publicly funded child care no later than thirty days after the 38282  
filing of the application that is the basis of the determination, 38283

shall make each determination in accordance with any relevant 38284  
rules adopted pursuant to section 5104.38 of the Revised Code, and 38285  
shall notify promptly each applicant for publicly funded child 38286  
care of the results of the determination of the applicant's 38287  
eligibility. 38288

The director of job and family services shall adopt rules in 38289  
accordance with Chapter 119. of the Revised Code for monitoring 38290  
the eligibility determination process. In accordance with those 38291  
rules, the state department shall monitor eligibility 38292  
determinations made by county departments of job and family 38293  
services and shall direct any entity that is not in compliance 38294  
with this division or any rule adopted under this division to 38295  
implement corrective action specified by the department. 38296

(2)(a) All eligibility determinations for publicly funded 38297  
child care shall be made in accordance with rules adopted pursuant 38298  
to division (A) of section 5104.38 of the Revised Code. Except as 38299  
otherwise provided in this section, ~~both~~ all of the following 38300  
apply: 38301

(i) Publicly funded child care may be provided only to 38302  
eligible infants, toddlers, preschool-age children, school-age 38303  
children under age thirteen, or children receiving special needs 38304  
child care. 38305

(ii) For an applicant to be eligible for publicly funded 38306  
child care, the caretaker parent must be employed or participating 38307  
in a program of education or training for an amount of time 38308  
reasonably related to the time that the parent's children are 38309  
receiving publicly funded child care. This restriction does not 38310  
apply to families whose children are eligible for protective child 38311  
care. 38312

(iii) The eligibility period for publicly funded child care 38313  
shall be at least twelve months. 38314

(b) In accordance with rules adopted under division (B) of 38315  
section 5104.38 of the Revised Code, an applicant may receive 38316  
publicly funded child care while the county department determines 38317  
eligibility. An applicant may receive publicly funded child care 38318  
while a county department determines eligibility only once during 38319  
a twelve-month period. If the county department determines that an 38320  
applicant is not eligible for publicly funded child care, the 38321  
child care provider shall be paid for providing publicly funded 38322  
child care for up to five days after that determination if the 38323  
county department received a completed application with all 38324  
required documentation. A program may appeal a denial of payment 38325  
under this division. 38326

(c) If a caretaker parent who has been determined eligible to 38327  
receive publicly funded child care no longer meets the 38328  
requirements of division (A)(2)(a)(ii) of this section, the 38329  
caretaker parent may continue to receive publicly funded child 38330  
care for a period of ~~up to thirteen weeks~~ at least three months 38331  
not to extend beyond the caretaker parent's ~~twelve-month~~ 38332  
eligibility period. 38333

(d) If a child turns thirteen, or if a child receiving 38334  
special needs child care turns eighteen, during the ~~twelve-month~~ 38335  
eligibility period, the caretaker parent may continue to receive 38336  
publicly funded child care until the end of that ~~twelve-month~~ 38337  
eligibility period. 38338

Subject to available funds, the department of job and family 38339  
services shall allow a family to receive publicly funded child 38340  
care unless the family's income exceeds the maximum income 38341  
eligibility limit. Initial and continued eligibility for publicly 38342  
funded child care is subject to available funds unless the family 38343  
is receiving child care pursuant to division (A)(1), (2), (3), or 38344  
(4) of section 5104.30 of the Revised Code. If the department must 38345  
limit eligibility due to lack of available funds, it shall give 38346

first priority for publicly funded child care to an assistance 38347  
group whose income is not more than the maximum income eligibility 38348  
limit that received transitional child care in the previous month 38349  
but is no longer eligible because the ~~twelve-month~~ eligibility 38350  
period has expired. Such an assistance group shall continue to 38351  
receive priority for publicly funded child care until its income 38352  
exceeds the maximum income eligibility limit. 38353

(3) An assistance group that ceases to participate in the 38354  
Ohio works first program established under Chapter 5107. of the 38355  
Revised Code is eligible for transitional child care at any time 38356  
during the immediately following twelve-month period that both of 38357  
the following apply: 38358

(a) The assistance group requires child care due to 38359  
employment; 38360

(b) The assistance group's income is not more than one 38361  
hundred fifty per cent of the federal poverty line. 38362

An assistance group ineligible to participate in the Ohio 38363  
works first program pursuant to section 5101.83 or section 5107.16 38364  
of the Revised Code is not eligible for transitional child care. 38365

(B) To the extent permitted by federal law, the department of 38366  
job and family services may require a caretaker parent determined 38367  
to be eligible for publicly funded child care to pay a fee 38368  
according to the schedule of fees established in rules adopted 38369  
under section 5104.38 of the Revised Code. The department shall 38370  
make protective child care services and homeless child care 38371  
services available to children without regard to the income or 38372  
assets of the caretaker parent of the child. 38373

(C) A caretaker parent receiving publicly funded child care 38374  
shall report to the entity that determined eligibility any changes 38375  
in status with respect to employment or participation in a program 38376  
of education or training not later than ten calendar days after 38377

the change occurs. 38378

(D) If the department of job and family services determines 38379  
that available resources are not sufficient to provide publicly 38380  
funded child care to all eligible families who request it, the 38381  
department may establish a waiting list. The department may 38382  
establish separate waiting lists within the waiting list based on 38383  
income. 38384

(E) A caretaker parent shall not receive publicly funded 38385  
child care from more than one child care provider per child during 38386  
a week, unless a county department grants the family an exemption 38387  
for one of the following reasons: 38388

(1) The child needs additional care during non-traditional 38389  
hours; 38390

(2) The child needs to change providers in the middle of the 38391  
week and the hours of care provided by the providers do not 38392  
overlap; 38393

(3) The child's provider is closed on scheduled school days 38394  
off or on calamity days; 38395

~~(4) The child is enrolled in a part-time program 38396  
participating in the tiered quality rating and improvement system 38397  
established under section 5104.29 of the Revised Code and needs 38398  
care from an additional part-time provider. 38399~~

(F) As used in this section, "maximum income eligibility 38400  
limit" means the amount of income specified in rules adopted under 38401  
division (A) of section 5104.38 of the Revised Code. 38402

**Sec. 5107.10.** (A) As used in this section: 38403

(1) "Countable income," "gross earned income," and "gross 38404  
unearned income" have the meanings established in rules adopted 38405  
under section 5107.05 of the Revised Code. 38406

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code, except that references to a person's family in the definition shall be deemed to be references to the person's assistance group.

(3) "Gross income" means gross earned income and gross unearned income.

(4) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.

(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code.

(C)(1) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements:

(a) The assistance group, except as provided in division (E) of this section, must include at least one of the following:

(i) A minor child who, except as provided in section 5107.24 of the Revised Code, resides with a parent, or specified relative caring for the child, or, to the extent permitted by Title IV-A and federal regulations adopted until Title IV-A, resides with a guardian or custodian caring for the child;

(ii) A parent residing with and caring for the parent's minor

child who receives supplemental security income under Title XVI of 38438  
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 38439  
as amended, or federal, state, or local adoption assistance; 38440

(iii) A specified relative residing with and caring for a 38441  
minor child who is related to the specified relative in a manner 38442  
that makes the specified relative a specified relative and 38443  
receives supplemental security income or federal, state, or local 38444  
foster care, kinship guardianship, or adoption assistance; 38445

(iv) A woman at least six months pregnant. 38446

(b) The assistance group must meet the income requirements 38447  
established by division (D) of this section. 38448

(c) No member of the assistance group may be involved in a 38449  
strike. 38450

(d) The assistance group must satisfy the requirements for 38451  
Ohio works first established by this chapter and section 5101.83 38452  
of the Revised Code. 38453

(e) The assistance group must meet requirements for Ohio 38454  
works first established by rules adopted under section 5107.05 of 38455  
the Revised Code. 38456

(2) In addition to meeting the requirements specified in 38457  
division (C)(1) of this section, a member of an assistance group 38458  
who is required by section 5116.10 of the Revised Code to 38459  
participate in the comprehensive case management and employment 38460  
program must participate in that program to be eligible to 38461  
participate in Ohio works first. 38462

(D)(1) Except as provided in division (D)(4) of this section, 38463  
to determine whether an assistance group is initially eligible to 38464  
participate in Ohio works first, a county department of job and 38465  
family services shall do the following: 38466

(a) Determine whether the assistance group's gross income 38467

exceeds fifty per cent of the federal poverty guidelines. In 38468  
making this determination, the county department shall disregard 38469  
amounts that federal statutes or regulations and sections 5101.17 38470  
and 5117.10 of the Revised Code require be disregarded. The 38471  
assistance group is ineligible to participate in Ohio works first 38472  
if the assistance group's gross income, less the amounts 38473  
disregarded, exceeds fifty per cent of the federal poverty 38474  
guidelines. 38475

(b) If the assistance group's gross income, less the amounts 38476  
disregarded pursuant to division (D)(1)(a) of this section, does 38477  
not exceed fifty per cent of the federal poverty guidelines, 38478  
determine whether the assistance group's countable income is less 38479  
than the payment standard. The assistance group is ineligible to 38480  
participate in Ohio works first if the assistance group's 38481  
countable income equals or exceeds the payment standard. 38482

(2) For the purpose of determining whether an assistance 38483  
group meets the income requirement established by division 38484  
(D)(1)(a) of this section, the annual revision that the United 38485  
States department of health and human services makes to the 38486  
federal poverty guidelines shall go into effect on the first day 38487  
of July of the year for which the revision is made. 38488

(3) To determine whether an assistance group participating in 38489  
Ohio works first continues to be eligible to participate, a county 38490  
department of job and family services shall determine whether the 38491  
assistance group's countable income continues to be less than the 38492  
payment standard. In making this determination, the county 38493  
department shall disregard an amount specified in rules adopted 38494  
under section 5107.05 of the Revised Code and fifty per cent of 38495  
the remainder of the assistance group's gross earned income. No 38496  
amounts shall be disregarded from the assistance group's gross 38497  
unearned income. The assistance group ceases to be eligible to 38498  
participate in Ohio works first if its countable income, less the 38499

amounts disregarded, equals or exceeds the payment standard. 38500

(4) If an assistance group reapplies to participate in Ohio 38501  
works first not more than four months after ceasing to 38502  
participate, a county department of job and family services shall 38503  
use the income requirement established by division (D)(3) of this 38504  
section to determine eligibility for resumed participation rather 38505  
than the income requirement established by division (D)(1) of this 38506  
section. 38507

(E)(1) An assistance group may continue to participate in 38508  
Ohio works first even though a public children services agency 38509  
removes the assistance group's minor children from the assistance 38510  
group's home due to abuse, neglect, or dependency if the agency 38511  
does both of the following: 38512

(a) Notifies the county department of job and family services 38513  
at the time the agency removes the children that it believes the 38514  
children will be able to return to the assistance group within six 38515  
months; 38516

(b) Informs the county department at the end of each of the 38517  
first five months after the agency removes the children that the 38518  
parent, guardian, custodian, or specified relative of the children 38519  
is cooperating with the case plans prepared for the children under 38520  
section 2151.412 of the Revised Code and that the agency is making 38521  
reasonable efforts to return the children to the assistance group. 38522

(2) An assistance group may continue to participate in Ohio 38523  
works first pursuant to division (E)(1) of this section for not 38524  
more than six payment months. This division does not affect the 38525  
eligibility of an assistance group that includes a woman at least 38526  
six months pregnant. 38527

**Sec. 5119.27. (A) ~~Records~~ As used in this section:** 38528

(1) "Community control sanction" has the same meaning as in 38529

section 2929.01 of the Revised Code. 38530

(2) "Federally assisted," "program," and "substance use disorder" have the same meanings as in 42 C.F.R. 2.11 and as further described in 42 C.F.R. 2.12(b). 38531  
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(3) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 38534  
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(B) In accordance with 42 U.S.C. 290dd-2, records or information, other than court journal entries or court docket entries, pertaining to the identity, diagnosis, or treatment of any person seeking or receiving services that are maintained in connection with the performance of any drug treatment program or services licensed by, or certified by, the director of mental health and addiction services under this chapter created or maintained by a federally assisted program for the treatment of substance use disorders shall be kept confidential, and may be disclosed only for the purposes and under the circumstances expressly authorized under this section, and may not otherwise be divulged in any civil, criminal, administrative, or legislative proceeding 42 C.F.R. Part 2. 38536  
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~~(B)(C)~~ When the person, with respect to whom any record or information referred to in division ~~(A)~~(B) of this section is maintained, gives consent in the form of a written release signed by the person, the content of the record or information may be disclosed if the written release conforms to all of the following: 38549  
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~~(1) Specifically identifies the person, official, or entity to whom the information is to be provided;~~ 38554  
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~~(2) Describes with reasonable specificity the record, records, or information to be disclosed; and~~ 38556  
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~~(3) Describes with reasonable specificity the purposes of the disclosure and the intended use of the disclosed information requirements set forth in 42 C.F.R. 2.31.~~ 38558  
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~~(C) A~~ (D) In accordance with 42 C.F.R. 2.35, a person who is 38561  
subject to a community control sanction, ~~parole, or a post-release~~ 38562  
control sanction, is on parole, or who is ordered to 38563  
~~rehabilitation intervention~~ in lieu of conviction, and who has 38564  
agreed to participate in a ~~drug treatment or rehabilitation~~ 38565  
~~program~~ federally assisted program for the treatment of substance 38566  
use disorders as a condition of the community control sanction, 38567  
post-release control sanction, parole, or intervention order ~~to~~ 38568  
~~rehabilitation, shall be considered to have consented~~ consent to 38569  
the release of records and information relating to the progress of 38570  
treatment, frequency of treatment, adherence to treatment 38571  
requirements, and probable outcome of treatment. Release of 38572  
information and records under this division shall be limited to 38573  
the court or governmental personnel having the responsibility for 38574  
supervising the person's community control sanction, post-release 38575  
control sanction, parole, or intervention order ~~to rehabilitation.~~ 38576  
A person, described in this division, who refuses to allow 38577  
disclosure may be considered in violation of the conditions of the 38578  
person's community control sanction, post-release control 38579  
sanction, parole, or intervention order ~~to rehabilitation.~~ 38580

~~(D) Disclosure~~ (E) In accordance with 42 C.F.R. 2.52 and 38581  
2.53, disclosure of a person's record may be made without the 38582  
person's consent to qualified personnel for the purpose of 38583  
conducting scientific research, management, financial audits, or 38584  
program evaluation, but these personnel may not identify, directly 38585  
or indirectly, any ~~individual~~ particular person in any report of 38586  
the research, audit, or evaluation, or otherwise disclose a 38587  
person's identity in any manner. 38588

~~(E) Upon~~ (F) In accordance with 42 C.F.R. 2.66, upon the 38589  
request of a prosecuting attorney or the director of mental health 38590  
and addiction services, a court of competent jurisdiction may 38591  
order the disclosure of records or information referred to in 38592

division ~~(A)~~(B) of this section if the court has reason to believe 38593  
that a ~~treatment program or facility~~ federally assisted program 38594  
for the treatment of substance use disorders is being operated or 38595  
used in a manner contrary to law. The use of any information or 38596  
record so disclosed shall be limited to the prosecution of persons 38597  
who are or may be charged with any offense related to the illegal 38598  
operation or use of the ~~drug treatment program or facility~~, or to 38599  
the decision to withdraw the authority of a ~~drug treatment~~ the 38600  
program ~~or facility~~ to continue operation. For purposes of this 38601  
division the court shall do all of the following: 38602

(1) Limit disclosure to those parts of the person's record 38603  
considered essential to fulfill the objective for which the order 38604  
was granted; 38605

(2) Require, where appropriate, that all information be 38606  
disclosed in chambers; 38607

(3) Include any other appropriate measures to keep disclosure 38608  
to a minimum, consistent with the protection of the persons 38609  
seeking or receiving services, the ~~physician-patient~~ 38610  
provider-client relationship, and the administration of the ~~drug~~ 38611  
treatment and rehabilitation program. 38612

~~(F) As used in this section:~~ 38613

~~(1) "Community control sanction" has the same meaning as in 38614  
section 2929.01 of the Revised Code.~~ 38615

~~(2) "Post-release control sanction" has the same meaning as 38616  
in section 2967.01 of the Revised Code.~~ 38617

**Sec. 5119.33.** (A)(1) The department of mental health and 38618  
addiction services shall inspect and license all hospitals that 38619  
receive mentally ill persons, except those hospitals managed by 38620  
the department. No hospital may receive for care or treatment, 38621  
either at public or private expense, any person who is or appears 38622

to be mentally ill, whether or not so adjudicated, unless the 38623  
hospital has received a license from the department authorizing it 38624  
to receive for care or treatment persons who are mentally ill or 38625  
the hospital is managed by the department. 38626

(2) No such license shall be granted to a hospital for the 38627  
treatment of mentally ill persons unless the department is 38628  
satisfied, after investigation, that the hospital is managed and 38629  
operated by qualified persons and has on its staff one or more 38630  
qualified physicians responsible for the medical care of the 38631  
patients confined there. At least one such physician shall be a 38632  
psychiatrist. 38633

(B) The department shall adopt rules under Chapter 119. of 38634  
the Revised Code prescribing minimum standards for the operation 38635  
of hospitals for the care and treatment of mentally ill persons 38636  
and establishing standards and procedures for the issuance, 38637  
renewal, or revocation of full, probationary, and interim 38638  
licenses. No license shall be granted to any hospital established 38639  
or used for the care of mentally ill persons unless such hospital 38640  
is operating in accordance with this section and rules adopted 38641  
pursuant to this section. A full license shall expire one year 38642  
after the date of issuance, a probationary license shall expire at 38643  
the time prescribed by rule adopted pursuant to Chapter 119. of 38644  
the Revised Code by the director of mental health and addiction 38645  
services, and an interim license shall expire ninety days after 38646  
the date of issuance. A full, probationary, or interim license may 38647  
be renewed, except that an interim license may be renewed only 38648  
twice. The department may fix reasonable fees for licenses and for 38649  
license renewals. Such hospitals are subject to inspection and 38650  
on-site review by the department. 38651

(C) Except as otherwise provided in Chapter 5122. of the 38652  
Revised Code, neither the director of mental health and addiction 38653  
services; an employee of the department; a board of alcohol, drug 38654

addiction, and mental health services or employee of a community 38655  
mental health services provider; nor any other public official 38656  
shall hospitalize any mentally ill person for care or treatment in 38657  
any hospital that is not licensed in accordance with this section. 38658

(D)(1) The department may issue an order suspending the 38659  
admission of patients who are mentally ill to a hospital for care 38660  
or treatment if it finds either of the following: 38661

~~(1)(a)~~ The hospital is not in compliance with rules adopted 38662  
by the director pursuant to this section. 38663

~~(2)(b)~~ The hospital has been cited for more than one 38664  
violation of statutes or rules during any previous period of time 38665  
during which the hospital is licensed pursuant to this section. 38666

(2)(a) Except as provided in division (D)(2)(b) of this 38667  
section, proceedings initiated to suspend the admission of 38668  
patients are governed by Chapter 119. of the Revised Code. 38669

(b) If a suspension of admissions is proposed because the 38670  
director has determined that the licensee has demonstrated a 38671  
pattern of serious noncompliance or that a violation creates a 38672  
substantial risk to the health and safety of patients, the 38673  
director may issue an order imposing the suspension of admissions 38674  
before providing an opportunity for an adjudication under Chapter 38675  
119. of the Revised Code. The director shall lift the order for 38676  
the suspension of admissions if the director determines that the 38677  
violation that formed the basis for the order has been corrected. 38678

(3) Appeals from proceedings initiated to order the 38679  
suspension of admissions shall be conducted in accordance with 38680  
Chapter 119. of the Revised Code, unless the order was issued 38681  
before providing an opportunity for an adjudication, in which case 38682  
all of the following apply: 38683

(a) The licensee may request a hearing not later than ten 38684  
days after receiving the notice specified in section 119.07 of the 38685

Revised Code. 38686

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request. 38687  
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(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director. 38690  
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(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following: 38694  
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(i) The close of the hearing; 38698

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 38699  
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(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 38701  
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(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 38703  
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(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 38707  
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 38710  
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions 38714  
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if the department determines the violation that formed the basis 38716  
for the order has been corrected. 38717

(E)(1) Any license issued by the department under this 38718  
section may be revoked or not renewed by the department for any of 38719  
the following reasons: 38720

~~(1)~~(a) The hospital is no longer a suitable place for the 38721  
care or treatment of mentally ill persons. 38722

~~(2)~~(b) The hospital refuses to be subject to inspection or 38723  
on-site review by the department. 38724

~~(3)~~(c) The hospital has failed to furnish humane, kind, and 38725  
adequate treatment and care. 38726

~~(4)~~(d) The hospital fails to comply with the licensure rules 38727  
of the department. 38728

(2) Proceedings initiated to deny applications for full or 38729  
probationary licenses, to refuse to renew full or probationary 38730  
licenses, or to revoke full or probationary licenses are governed 38731  
by Chapter 119. of the Revised Code. If an order has been issued 38732  
suspending the admission of patients, the order remains in effect 38733  
during the pendency of those proceedings. 38734

(F)(1) In a proceeding initiated to suspend the admission of 38735  
patients, to deny an application for a full or probationary 38736  
license, to refuse to renew a full or probationary license, or to 38737  
revoke a full or probationary license, the department may order 38738  
the suspension, denial, refusal, or revocation regardless of 38739  
whether some or all of the deficiencies that prompted the 38740  
proceedings have been corrected at the time of the hearing. 38741

(2) When the department issues an order suspending the 38742  
admission of patients, denies an application for a full or 38743  
probationary license, refuses to renew a full or probationary 38744  
license, or revokes a full or probationary license, the department 38745

shall not grant an opportunity for submitting a plan of 38746  
correction. 38747

(G) The department may inspect, conduct an on-site review, 38748  
and review the records of any hospital that the department has 38749  
reason to believe is operating without a license. 38750

**Sec. 5119.34.** (A) As used in this section and sections 38751  
5119.341 and 5119.342 of the Revised Code: 38752

(1) "Accommodations" means housing, daily meal preparation, 38753  
laundry, housekeeping, arranging for transportation, social and 38754  
recreational activities, maintenance, security, and other services 38755  
that do not constitute personal care services or skilled nursing 38756  
care. 38757

(2) "ADAMHS board" means a board of alcohol, drug addiction, 38758  
and mental health services. 38759

(3) "Adult" means a person who is eighteen years of age or 38760  
older, other than a person described in division (A)(4) of this 38761  
section who is between eighteen and twenty-one years of age. 38762

(4) "Child" means a person who is under eighteen years of age 38763  
or a person with a mental disability who is under twenty-one years 38764  
of age. 38765

(5) "Community mental health services provider" means a 38766  
community mental health services provider as defined in section 38767  
5119.01 of the Revised Code. 38768

(6) "Community mental health services" means any mental 38769  
health services certified by the department pursuant to section 38770  
5119.36 of the Revised Code. 38771

(7) "Operator" means the person or persons, firm, 38772  
partnership, agency, governing body, association, corporation, or 38773  
other entity that is responsible for the administration and 38774  
management of a residential facility and that is the applicant for 38775

a residential facility license. 38776

(8) "Personal care services" means services including, but 38777  
not limited to, the following: 38778

(a) Assisting residents with activities of daily living; 38779

(b) Assisting residents with self-administration of 38780  
medication in accordance with rules adopted under this section; 38781

(c) Preparing special diets, other than complex therapeutic 38782  
diets, for residents pursuant to the instructions of a physician 38783  
or a licensed dietitian, in accordance with rules adopted under 38784  
this section. 38785

"Personal care services" does not include "skilled nursing 38786  
care" as defined in section 3721.01 of the Revised Code. A 38787  
facility need not provide more than one of the services listed in 38788  
division (A)(8) of this section to be considered to be providing 38789  
personal care services. 38790

(9) "Room and board" means the provision of sleeping and 38791  
living space, meals or meal preparation, laundry services, 38792  
housekeeping services, or any combination thereof. 38793

(10) "Residential state supplement program" means the program 38794  
established under section 5119.41 of the Revised Code. 38795

(11) "Supervision" means any of the following: 38796

(a) Observing a resident to ensure the resident's health, 38797  
safety, and welfare while the resident engages in activities of 38798  
daily living or other activities; 38799

(b) Reminding a resident to perform or complete an activity, 38800  
such as reminding a resident to engage in personal hygiene or 38801  
other self-care activities; 38802

(c) Assisting a resident in making or keeping an appointment. 38803

(12) "Unrelated" means that a resident is not related to the 38804

owner or operator of a residential facility or to the owner's or 38805  
operator's spouse as a parent, grandparent, child, stepchild, 38806  
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 38807  
the child of an aunt or uncle. 38808

(B)(1) A "residential facility" is a publicly or privately 38809  
operated home or facility that falls into one of the following 38810  
categories: 38811

(a) Class one facilities provide accommodations, supervision, 38812  
personal care services, and mental health services for one or more 38813  
unrelated adults with mental illness or one or more unrelated 38814  
children or adolescents with severe emotional disturbances; 38815

(b) Class two facilities provide accommodations, supervision, 38816  
and personal care services to any of the following: 38817

(i) One or two unrelated persons with mental illness; 38818

(ii) One or two unrelated adults who are receiving payments 38819  
under the residential state supplement program; 38820

(iii) Three to sixteen unrelated adults. 38821

(c) Class three facilities provide room and board for five or 38822  
more unrelated adults with mental illness. 38823

(2) "Residential facility" does not include any of the 38824  
following: 38825

(a) A hospital subject to licensure under section 5119.33 of 38826  
the Revised Code or an institution maintained, operated, managed, 38827  
and governed by the department of mental health and addiction 38828  
services for the hospitalization of mentally ill persons pursuant 38829  
to section 5119.14 of the Revised Code; 38830

(b) A residential facility licensed under section 5123.19 of 38831  
the Revised Code or otherwise regulated by the department of 38832  
developmental disabilities; 38833

(c) An institution or association subject to certification 38834

under section 5103.03 of the Revised Code;	38835
(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	38836 38837 38838
(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;	38839 38840
(f) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program;	38841 38842
(g) Any facility that receives funding for operating costs from the <u>department of development services</u> <del>agency</del> under any program established to provide emergency shelter housing or transitional housing for the homeless;	38843 38844 38845 38846
(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;	38847 38848 38849
(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;	38850 38851 38852 38853
(j) The residence of a relative or guardian of a person with mental illness.	38854 38855
(C) Nothing in division (B) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance.	38856 38857 38858 38859
(D) Except in the case of a residential facility described in division (B)(1)(a) of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, but may do any of the following:	38860 38861 38862 38863
(1) Remind a resident when to take medication and watch to	38864

ensure that the resident follows the directions on the container; 38865

(2) Assist a resident in the self-administration of 38866  
medication by taking the medication from the locked area where it 38867  
is stored, in accordance with rules adopted pursuant to this 38868  
section, and handing it to the resident. If the resident is 38869  
physically unable to open the container, a staff member may open 38870  
the container for the resident. 38871

(3) Assist a physically impaired but mentally alert resident, 38872  
such as a resident with arthritis, cerebral palsy, or Parkinson's 38873  
disease, in removing oral or topical medication from containers 38874  
and in consuming or applying the medication, upon request by or 38875  
with the consent of the resident. If a resident is physically 38876  
unable to place a dose of medicine to the resident's mouth without 38877  
spilling it, a staff member may place the dose in a container and 38878  
place the container to the mouth of the resident. 38879

(E)(1) Except as provided in division (E)(2) of this section, 38880  
a person operating or seeking to operate a residential facility 38881  
shall apply for licensure of the facility to the department of 38882  
mental health and addiction services. The application shall be 38883  
submitted by the operator. When applying for the license, the 38884  
applicant shall pay to the department the application fee 38885  
specified in rules adopted under division ~~(L)~~(N) of this section. 38886  
The fee is nonrefundable. 38887

The department shall send a copy of an application to the 38888  
ADAMHS board serving the county in which the person operates or 38889  
seeks to operate the facility. The ADAMHS board shall review the 38890  
application and provide to the department any information about 38891  
the applicant or the facility that the board would like the 38892  
department to consider in reviewing the application. 38893

(2) A person may not apply for a license to operate a 38894  
residential facility if the person is or has been the owner, 38895

operator, or manager of a residential facility for which a license 38896  
to operate was revoked or for which renewal of a license was 38897  
refused for any reason other than nonpayment of the license 38898  
renewal fee, unless both of the following conditions are met: 38899

(a) A period of not less than two years has elapsed since the 38900  
date the director of mental health and addiction services issued 38901  
the order revoking or refusing to renew the facility's license. 38902

(b) The director's revocation or refusal to renew the license 38903  
was not based on an act or omission at the facility that violated 38904  
a resident's right to be free from abuse, neglect, or 38905  
exploitation. 38906

~~(F)(1)~~(F) The department of mental health and addiction 38907  
services shall inspect and license the operation of residential 38908  
facilities. The department shall consider the past record of the 38909  
facility and the applicant or licensee in arriving at its 38910  
licensure decision. 38911

The department may issue full, probationary, and interim 38912  
licenses. A full license shall expire up to three years after the 38913  
date of issuance, a probationary license shall expire in a shorter 38914  
period of time as specified in rules adopted by the director of 38915  
mental health and addiction services under division ~~(L)~~(N) of this 38916  
section, and an interim license shall expire ninety days after the 38917  
date of issuance. A license may be renewed in accordance with 38918  
rules adopted by the director under division ~~(L)~~(N) of this 38919  
section. The renewal application shall be submitted by the 38920  
operator. When applying for renewal of a license, the applicant 38921  
shall pay to the department the renewal fee specified in rules 38922  
adopted under division ~~(L)~~(N) of this section. The fee is 38923  
nonrefundable. 38924

~~(2)~~The(G)(1) If the department finds any of the following 38925  
with respect to a residential facility, the department may issue 38926

an order suspending the admission of residents to the facility ~~or~~, 38927  
refuse to issue or renew ~~and may a license for the facility, or~~ 38928  
revoke a the facility's license ~~if it finds any of the following:~~ 38929

(a) The facility is not in compliance with rules adopted by 38930  
the director pursuant to division ~~(L)~~(N) of this section; 38931

(b) Any facility operated by the applicant or licensee has 38932  
been cited for a pattern of serious noncompliance or repeated 38933  
violations of statutes or rules during the period of current or 38934  
previous licenses; 38935

(c) The applicant or licensee submits false or misleading 38936  
information as part of a license application, renewal, or 38937  
investigation. 38938

(2) Proceedings initiated to deny applications for full or 38939  
probationary licenses, to refuse to renew full or probationary 38940  
licenses, or to revoke such full or probationary licenses are 38941  
governed by Chapter 119. of the Revised Code. ~~An~~ If an order has 38942  
been issued pursuant to this division suspending the admission of 38943  
residents to the facility, the order remains in effect during the 38944  
pendency of those proceedings. 38945

Proceedings initiated to suspend the admission of residents 38946  
to a facility are governed by Chapter 119. of the Revised Code, 38947  
except as provided in division (H) of this section. 38948

(3) In a proceeding initiated to suspend the admission of 38949  
residents to a facility, to deny an application for a full or 38950  
probationary license, to refuse to renew a full or probationary 38951  
license, or to revoke a full or probationary license, the 38952  
department may order the suspension, denial, refusal, or 38953  
revocation regardless of whether some or all of the deficiencies 38954  
that prompted the proceedings have been corrected at the time of 38955  
the hearing. 38956

(4) When the department issues an order suspending the 38957

admission of residents to a facility, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction. 38958  
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(H)(1) If a suspension of admissions of residents to a facility is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected. 38963  
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(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply: 38973  
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(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code. 38978  
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(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request. 38981  
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(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director. 38984  
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(d) If the hearing is conducted by a hearing examiner, the 38988

hearing examiner shall file a report and recommendations with the 38989  
department not later than ten days after the last of the 38990  
following: 38991

(i) The close of the hearing; 38992

(ii) If a transcript of the proceedings is ordered, the 38993  
hearing examiner receives the transcript; 38994

(iii) If post-hearing briefs are timely filed, the hearing 38995  
examiner receives the briefs. 38996

(e) The hearing examiner shall send a written copy of the 38997  
report and recommendations, by certified mail, to the licensee, or 38998  
the licensee's attorney, if applicable, not later than five days 38999  
after the report is filed with the department. 39000

(f) Not later than five days after receiving the report and 39001  
recommendations, the licensee may file objections with the 39002  
department. 39003

(g) Not later than fifteen days after the hearing examiner 39004  
files the report and recommendations, the department shall issue 39005  
an order approving, modifying, or disapproving the report and 39006  
recommendations. 39007

(h) Notwithstanding the pendency of the hearing, the 39008  
department shall lift the order for the suspension of admissions 39009  
if the department determines the violation that formed the basis 39010  
for the order has been corrected. 39011

~~(G)~~(I) The department may issue an interim license to operate 39012  
a residential facility if both of the following conditions are 39013  
met: 39014

(1) The department determines that the closing of or the need 39015  
to remove residents from another residential facility has created 39016  
an emergency situation requiring immediate removal of residents 39017  
and an insufficient number of licensed beds are available. 39018

(2) The residential facility applying for an interim license 39019  
meets standards established for interim licenses in rules adopted 39020  
by the director under division ~~(L)~~(N) of this section. 39021

An interim license shall be valid for ninety days and may be 39022  
renewed by the director no more than twice. Proceedings initiated 39023  
to deny applications for or to revoke interim licenses under this 39024  
division are not subject to Chapter 119. of the Revised Code. 39025

~~(H)~~~~(1)~~(J)(1) The department of mental health and addiction 39026  
services may conduct an inspection of a residential facility as 39027  
follows: 39028

(a) Prior to issuance of a license for the facility; 39029

(b) Prior to renewal of the license; 39030

(c) To determine whether the facility has completed a plan of 39031  
correction required pursuant to division ~~(H)~~~~(2)~~(J)(2) of this 39032  
section and corrected deficiencies to the satisfaction of the 39033  
department and in compliance with this section and rules adopted 39034  
pursuant to it; 39035

(d) Upon complaint by any individual or agency; 39036

(e) At any time the director considers an inspection to be 39037  
necessary in order to determine whether the facility is in 39038  
compliance with this section and rules adopted pursuant to this 39039  
section. 39040

(2) In conducting inspections the department may conduct an 39041  
on-site examination and evaluation of the residential facility and 39042  
its personnel, activities, and services. The department shall have 39043  
access to examine and copy all records, accounts, and any other 39044  
documents relating to the operation of the residential facility, 39045  
including records pertaining to residents, and shall have access 39046  
to the facility in order to conduct interviews with the operator, 39047  
staff, and residents. Following each inspection and review, the 39048

department shall complete a report listing any deficiencies, and 39049  
including, when appropriate, a time table within which the 39050  
operator shall correct the deficiencies. The department may 39051  
require the operator to submit a plan of correction describing how 39052  
the deficiencies will be corrected. 39053

~~(I)~~(K) No person shall do any of the following: 39054

(1) Operate a residential facility unless the facility holds 39055  
a valid license; 39056

(2) Violate any of the conditions of licensure after having 39057  
been granted a license; 39058

(3) Interfere with a state or local official's inspection or 39059  
investigation of a residential facility; 39060

(4) Violate any of the provisions of this section or any 39061  
rules adopted pursuant to this section. 39062

~~(J)~~(L) The following may enter a residential facility at any 39063  
time: 39064

(1) Employees designated by the director of mental health and 39065  
addiction services; 39066

(2) Employees of an ADAMHS board under either of the 39067  
following circumstances: 39068

(a) When a resident of the facility is receiving services 39069  
from a community mental health services provider under contract 39070  
with that ADAMHS board or another ADAMHS board; 39071

(b) When authorized by section 340.05 of the Revised Code. 39072

(3) Employees of a community mental health services provider 39073  
under either of the following circumstances: 39074

(a) When the provider has a person receiving services 39075  
residing in the facility; 39076

(b) When the provider is acting as an agent of an ADAMHS 39077

board other than the board with which it is under contract. 39078

(4) Representatives of the state long-term care ombudsman 39079  
program when the facility provides accommodations, supervision, 39080  
and personal care services for three to sixteen unrelated adults 39081  
or to one or two unrelated adults who are receiving payments under 39082  
the residential state supplement program. 39083

The persons specified in division ~~(J)~~(L) of this section 39084  
shall be afforded access to examine and copy all records, 39085  
accounts, and any other documents relating to the operation of the 39086  
residential facility, including records pertaining to residents. 39087

~~(K)~~(M) Employees of the department of mental health and 39088  
addiction services may enter, for the purpose of investigation, 39089  
any institution, residence, facility, or other structure which has 39090  
been reported to the department as, or that the department has 39091  
reasonable cause to believe is, operating as a residential 39092  
facility without a valid license. 39093

~~(L)~~(N) The director shall adopt and may amend and rescind 39094  
rules pursuant to Chapter 119. of the Revised Code governing the 39095  
licensing and operation of residential facilities. The rules shall 39096  
establish all of the following: 39097

(1) Minimum standards for the health, safety, adequacy, and 39098  
cultural competency of treatment of and services for persons in 39099  
residential facilities; 39100

(2) Procedures for the issuance, renewal, or revocation of 39101  
the licenses of residential facilities; 39102

(3) Procedures for conducting background investigations for 39103  
prospective or current operators, employees, volunteers, and other 39104  
non-resident occupants who may have direct access to facility 39105  
residents; 39106

(4) The fee to be paid when applying for a new residential 39107

facility license or renewing the license;	39108
(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;	39109 39110 39111 39112 39113 39114
(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	39115 39116
(7) Measures to be taken by residential facilities relative to residents' medication;	39117 39118
(8) Requirements relating to preparation of special diets;	39119
(9) The maximum number of residents who may be served in a residential facility;	39120 39121
(10) The rights of residents of residential facilities and procedures to protect such rights;	39122 39123
(11) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	39124 39125
<del>(M)(1)</del> <u>(O)(1)</u> The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.	39126 39127 39128 39129 39130 39131 39132 39133
(2) Any person who makes a complaint under division <del>(M)(1)</del> <u>(O)(1)</u> of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to	39134 39135 39136 39137

criminal prosecution, other than for perjury, unless the person 39138  
has acted in bad faith or with malicious purpose. 39139

~~(N)(1)~~(P)(1) The director of mental health and addiction 39140  
services may petition the court of common pleas of the county in 39141  
which a residential facility is located for an order enjoining any 39142  
person from operating a residential facility without a license or 39143  
from operating a licensed facility when, in the director's 39144  
judgment, there is a present danger to the health or safety of any 39145  
of the occupants of the facility. The court shall have 39146  
jurisdiction to grant such injunctive relief upon a showing that 39147  
the respondent named in the petition is operating a facility 39148  
without a license or there is a present danger to the health or 39149  
safety of any residents of the facility. 39150

(2) When the court grants injunctive relief in the case of a 39151  
facility operating without a license, the court shall issue, at a 39152  
minimum, an order enjoining the facility from admitting new 39153  
residents to the facility and an order requiring the facility to 39154  
assist with the safe and orderly relocation of the facility's 39155  
residents. 39156

(3) If injunctive relief is granted against a facility for 39157  
operating without a license and the facility continues to operate 39158  
without a license, the director shall refer the case to the 39159  
attorney general for further action. 39160

~~(O)~~(O) The director may fine a person for violating division 39161  
~~(I)~~(K) of this section. The fine shall be five hundred dollars for 39162  
a first offense; for each subsequent offense, the fine shall be 39163  
one thousand dollars. The director's actions in imposing a fine 39164  
shall be taken in accordance with Chapter 119. of the Revised 39165  
Code. 39166

**Sec. 5119.36.** (A) A community mental health services provider 39167  
applicant or community addiction services provider applicant that 39168

seeks certification of its certifiable services and supports shall 39169  
submit an application to the director of mental health and 39170  
addiction services. On receipt of the application, the director 39171  
may conduct an on-site review and shall evaluate the applicant to 39172  
determine whether its certifiable services and supports satisfy 39173  
the standards established by rules adopted under this section. The 39174  
director shall make the evaluation, and, if the director conducts 39175  
an on-site review of the applicant, may make the review, in 39176  
cooperation with a board of alcohol, drug addiction, and mental 39177  
health services that seeks to contract with the applicant under 39178  
section 340.036 of the Revised Code. 39179

(B) Subject to section 5119.361 of the Revised Code, the 39180  
director shall determine whether the certifiable services and 39181  
supports of a community mental health services provider applicant 39182  
or community addiction services provider applicant satisfy the 39183  
standards for certification. If the director determines that an 39184  
applicant's certifiable services and supports satisfy the 39185  
standards for certification and the applicant has paid the fee 39186  
required by this section, the director shall certify the 39187  
certifiable services and supports. 39188

No community mental health services provider shall be 39189  
eligible to receive for its certifiable services and supports any 39190  
state funds, federal funds, or funds administered by a board of 39191  
alcohol, drug addiction, and mental health services, unless those 39192  
certifiable services and supports have been certified by the 39193  
director. 39194

No person or government entity subject to section 5119.35 of 39195  
the Revised Code or any other community addiction services 39196  
provider shall be eligible to receive for its services described 39197  
in that section or its other certifiable services and supports any 39198  
state funds, federal funds, or funds administered by a board of 39199

alcohol, drug addiction, and mental health services, unless those 39200  
services or other certifiable services and supports have been 39201  
certified by the director. 39202

(C) The director may refuse to certify certifiable services 39203  
and supports, refuse to renew certification, or revoke 39204  
certification if any of the following apply to an applicant for 39205  
certification or the holder of the certification: 39206

(1) The applicant or holder is not in compliance with rules 39207  
adopted under this section. 39208

(2) The applicant or holder has been cited for a pattern of 39209  
serious noncompliance or repeated violations of statutes or rules 39210  
during the current certification period or any previous 39211  
certification period. 39212

(3) The applicant or holder submits false or misleading 39213  
information as part of a certification application, renewal, or 39214  
investigation. 39215

(D) Proceedings initiated to deny applications to certify 39216  
certifiable services and supports, to refuse to renew 39217  
certification, or to revoke certification are governed by Chapter 39218  
119. of the Revised Code. If an order has been issued suspending 39219  
admissions to a community addiction services provider that 39220  
provides overnight accommodations, as provided in division (H) of 39221  
this section, the order remains in effect during the pendency of 39222  
those proceedings. 39223

(E) If the director determines that a community mental health 39224  
services provider applicant's or a community addiction services 39225  
provider applicant's certifiable services and supports do not 39226  
satisfy the standards for certification, ~~the director shall 39227  
identify the areas of noncompliance, specify what action is 39228  
necessary to satisfy the standards, and may offer technical 39229  
assistance to the applicant and to a board of alcohol, drug 39230~~

~~addiction, and mental health services so that the board may assist~~ 39231  
~~the applicant in satisfying the standards. The director shall give~~ 39232  
~~the applicant a reasonable time within which to demonstrate that~~ 39233  
~~its certifiable services and supports satisfy the standards or to~~ 39234  
~~bring them into compliance with the standards. If the director~~ 39235  
~~concludes that the certifiable services and supports continue to~~ 39236  
~~fail to satisfy the standards,~~ the director may request that the 39237  
appropriate board of alcohol, drug addiction, and mental health 39238  
services reallocate any funds for the certifiable services and 39239  
supports the applicant was to provide to another community mental 39240  
health services provider or community addiction services provider 39241  
whose certifiable services and supports satisfy the standards. If 39242  
the board does not reallocate such funds in a reasonable period of 39243  
time, the director may withhold state and federal funds for the 39244  
certifiable services and supports and allocate those funds 39245  
directly to a community mental health services provider or 39246  
community addiction services provider whose certifiable services 39247  
and supports satisfy the standards. 39248

~~(D)~~(F) Each community mental health services provider 39249  
applicant or community addiction services provider applicant 39250  
seeking certification of its certifiable services and supports 39251  
under this section shall pay a fee for the certification required 39252  
by this section, unless the applicant is exempt under rules 39253  
adopted under this section. Fees shall be paid into the state 39254  
treasury to the credit of the sale of goods and services fund 39255  
created pursuant to section 5119.45 of the Revised Code. 39256

~~(E)~~(G) The director shall adopt rules in accordance with 39257  
Chapter 119. of the Revised Code to implement this section. The 39258  
rules shall do all of the following: 39259

(1) Subject to section 340.034 of the Revised Code, specify 39260  
the types of recovery supports that are required to be certified 39261  
under this section; 39262

(2) Establish certification standards for certifiable services and supports that are consistent with nationally recognized applicable standards and facilitate participation in federal assistance programs. The rules shall include as certification standards only requirements that improve the quality of certifiable services and supports or the health and safety of persons receiving certifiable services and supports. The standards shall address at a minimum all of the following:	39263 39264 39265 39266 39267 39268 39269 39270
(a) Reporting major unusual incidents to the director;	39271
(b) Procedures for applicants for and persons receiving certifiable services and supports to file grievances and complaints;	39272 39273 39274
(c) Seclusion;	39275
(d) Restraint;	39276
(e) Requirements regarding the physical facilities in which certifiable services and supports are provided;	39277 39278
(f) Requirements with regard to health, safety, adequacy, and cultural specificity and sensitivity;	39279 39280
(g) Standards for evaluating certifiable services and supports;	39281 39282
(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of a community mental health services provider applicant or community addiction services provider applicant;	39283 39284 39285 39286
(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;	39287 39288 39289 39290 39291
(j) The limitations to be placed on a provider whose	39292

certifiable services and supports are granted probationary or 39293  
interim certification; 39294

(k) Development of written policies addressing the rights of 39295  
persons receiving certifiable services and supports, including all 39296  
of the following: 39297

(i) The right to a copy of the written policies addressing 39298  
the rights of persons receiving certifiable services and supports; 39299

(ii) The right at all times to be treated with consideration 39300  
and respect for the person's privacy and dignity; 39301

(iii) The right to have access to the person's own 39302  
psychiatric, medical, or other treatment records unless access is 39303  
specifically restricted in the person's treatment plan for clear 39304  
treatment reasons; 39305

(iv) The right to have a client rights officer provided by 39306  
the provider or board of alcohol, drug addiction, and mental 39307  
health services advise the person of the person's rights, 39308  
including the person's rights under Chapter 5122. of the Revised 39309  
Code if the person is committed to the provider or board. 39310

(3) Establish the process for certification of certifiable 39311  
services and supports; 39312

(4) Set the amount of certification review fees; 39313

(5) Specify the type of notice and hearing to be provided 39314  
prior to a decision on whether to reallocate funds. 39315

~~(F)~~(H)(1) The director may issue an order suspending 39316  
admissions to a community addiction services provider that 39317  
provides overnight accommodations if the director finds either of 39318  
the following: 39319

~~(1)~~(a) The provider's certifiable services and supports are 39320  
not in compliance with rules adopted under this section; 39321

~~(2)~~(b) The provider has been cited for more than one 39322

violation of statutes or rules during any previous certification 39323  
period of the provider. 39324

(2)(a) Except as provided in division (H)(2)(b) of this 39325  
section, proceedings initiated to suspend admissions to a 39326  
community addiction services provider that provides overnight 39327  
accommodations are governed by Chapter 119. of the Revised Code. 39328

(b) If a suspension of admissions is proposed because the 39329  
director has determined that the provider has demonstrated a 39330  
pattern of serious noncompliance or that a violation creates a 39331  
substantial risk to the health and safety of patients, the 39332  
director may issue an order suspending admissions before providing 39333  
an opportunity for an adjudication under Chapter 119. of the 39334  
Revised Code. The director shall lift the order for the suspension 39335  
of admissions if the director determines that the violation that 39336  
formed the basis for the order has been corrected. 39337

(3) Appeals from proceedings initiated to order the 39338  
suspension of admissions shall be conducted in accordance with 39339  
Chapter 119. of the Revised Code, unless the order was issued 39340  
before providing an opportunity for an adjudication, in which case 39341  
all of the following apply: 39342

(a) The provider may request a hearing not later than ten 39343  
days after receiving the notice specified in section 119.07 of the 39344  
Revised Code. 39345

(b) If a timely request for a hearing that includes the 39346  
provider's current address is made, the hearing shall commence not 39347  
later than thirty days after the department receives the request. 39348

(c) After commencing, the hearing shall continue 39349  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 39350  
unless other interruptions are agreed to by the provider and the 39351  
director. 39352

(d) If the hearing is conducted by a hearing examiner, the 39353

hearing examiner shall file a report and recommendations with the 39354  
department not later than ten days after the last of the 39355  
following: 39356

(i) The close of the hearing; 39357

(ii) If a transcript of the proceedings is ordered, the 39358  
hearing examiner receives the transcript; 39359

(iii) If post-hearing briefs are timely filed, the hearing 39360  
examiner receives the briefs. 39361

(e) The hearing examiner shall send a written copy of the 39362  
report and recommendations, by certified mail, to the provider, or 39363  
the provider's attorney, if applicable, not later than five days 39364  
after the report is filed with the department. 39365

(f) Not later than five days after receiving the report and 39366  
recommendations, the provider may file objections with the 39367  
department. 39368

(g) Not later than fifteen days after the hearing examiner 39369  
files the report and recommendations, the department shall issue 39370  
an order approving, modifying, or disapproving the report and 39371  
recommendations. 39372

(h) Notwithstanding the pendency of the hearing, the 39373  
department shall lift the order for the suspension of admissions 39374  
if the department determines the violation that formed the basis 39375  
for the order has been corrected. 39376

~~(G)~~(I)(1) In a proceeding initiated to suspend admissions to 39377  
a community addiction services provider that provides overnight 39378  
accommodations, to deny an application for certification of 39379  
certifiable services and supports, to refuse to renew 39380  
certification, or to revoke certification, the department may 39381  
order the suspension, denial, refusal, or revocation regardless of 39382  
whether some or all of the deficiencies that prompted the 39383

proceedings have been corrected at the time of the hearing. 39384

(2) When the department issues an order suspending admissions to a community addiction services provider that provides overnight accommodations, denies an application for certification of certifiable services and supports, refuses to renew certification, or revokes a certification, the department shall not grant an opportunity for submitting a plan of correction. 39385  
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(J) The department of mental health and addiction services shall maintain a current list of community addiction services providers and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list shall identify each provider by its name, its address, and the county in which it is located. 39391  
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~~(H)~~(K) No person shall represent in any manner that a community mental health services provider's or community addiction services provider's certifiable services and supports are certified by the director if the certifiable services and supports are not so certified at the time the representation is made. 39398  
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**Sec. 5119.43.** (A) The director of mental health and addiction services may enter into agreements with any person, political subdivision, or state agency for the sale or lease of land or facilities under the jurisdiction of the director of mental health and addiction services in the following manner: 39403  
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(1) The director of mental health and addiction services shall designate lands and facilities that are not needed by the department of mental health and addiction services and are under the jurisdiction of the department. 39408  
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(2) The director of mental health and addiction services shall have a preliminary appraisal made of any lands or facilities 39412  
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designated under division (A)(1) of this section by a 39414  
disinterested professional appraiser from the department of 39415  
administrative services. The appraiser shall deliver to the 39416  
director of mental health and addiction services a signed 39417  
certificate of the probable market value of the lands and 39418  
facilities as determined from the preliminary appraisal. 39419

(3) The director of mental health and addiction services 39420  
shall certify to the clerk of the house of representatives and to 39421  
the clerk of the senate a list of all lands and facilities which 39422  
may be sold or leased, and shall include with the list the results 39423  
of the preliminary appraisals of the lands and facilities, a 39424  
general description of the land and facilities, and a description 39425  
of the current use of the land and facilities. 39426

(4) Every list of lands and facilities certified by the 39427  
director of mental health and addiction services to the clerk of 39428  
the house of representatives and to the clerk of the senate under 39429  
division (A)(3) of this section, shall immediately be transmitted 39430  
by the respective clerks to the committees in the house and the 39431  
senate to which land conveyance bills are usually referred. If 39432  
either committee files in its clerk's office, within sixty 39433  
calendar days of the original certification of the lands and 39434  
facilities by the director of mental health and addiction 39435  
services, a report disapproving the sale or lease of any lands or 39436  
facilities, the sale or lease of the lands or facilities 39437  
disapproved in the report shall not be made under this section. 39438  
With respect to a sale or lease of lands and facilities that has 39439  
not been disapproved under this division, the director of mental 39440  
health and addiction services shall certify those lands and 39441  
facilities to the ~~auditor of state~~ director of administrative 39442  
services. 39443

(5) After certification to the ~~auditor of state~~ director of 39444  
administrative services under division (A)(4) of this section, the 39445

director of mental health and addiction services shall have a 39446  
formal appraisal made of the lands and facilities by a 39447  
disinterested professional appraiser from the department of 39448  
administrative services. The director of mental health and 39449  
addiction services may accept the formal appraisal or may reject 39450  
it and order a new formal appraisal by a disinterested 39451  
professional appraiser who shall not be from the department of 39452  
administrative services. The director of mental health and 39453  
addiction services may then sell or lease the lands or facilities 39454  
in accordance with this division and department of administrative 39455  
services procedures as set forth in Chapter 123. of the Revised 39456  
Code. Any such deed or lease shall be prepared and recorded 39457  
pursuant to section 5301.13 of the Revised Code. The department of 39458  
administrative services shall be the sole agent for the state and 39459  
shall complete the sale or lease of the lands or facilities, up to 39460  
and including the closing thereof, after the director of mental 39461  
health and addiction services approves the sale price. The 39462  
director of mental health and addiction services and the director 39463  
of administrative services may, if it is determined to be in the 39464  
best interests of the state, agree to sell surplus land for an 39465  
amount less than the formal appraised value but shall not sell any 39466  
land for less than two-thirds of the formal appraised value. 39467

(B) Coincident with the certification made under division 39468  
(A)(3) of this section concerning lands which may be sold, the 39469  
director of mental health and addiction services shall give 39470  
written notice of ~~the director's~~ intention to sell the lands by 39471  
certified mail to the executive officer of each county, township, 39472  
municipal corporation, and school district within which the lands 39473  
are situated. In each notice, the director of mental health and 39474  
addiction services shall specify the conditions under which the 39475  
lands shall be sold, including whether the lands will be sold as a 39476  
single unit or sold in specific parcels that the director 39477  
designates, and shall solicit from the subdivision offers to 39478

purchase the lands in accordance with the conditions the director 39479  
of mental health and addiction services has specified and at a 39480  
price equal to the preliminary appraised value determined pursuant 39481  
to division (A)(2) of this section. If, within thirty days of 39482  
having certified the lands to the ~~auditor of state~~ director of  
administrative services under division (A)(4) of this section, the 39483  
director of mental health and addiction services receives from the 39484  
executive officer of a subdivision a written offer to purchase the 39485  
lands at or above the price specified in the ~~director's~~ original 39486  
notice from the director of mental health and addiction services 39487  
to the officer, provided such offer otherwise complies with the 39488  
conditions of purchase specified in the ~~director's~~ original notice 39489  
from the director of mental health and addiction services, the 39490  
director of mental health and addiction services shall forthwith 39491  
enter into an agreement to sell the lands to the subdivision. The 39492  
agreement shall incorporate any and all terms that are acceptable 39493  
to both parties and that are consistent with the terms specified 39494  
in the ~~director's~~ original notice from the director of mental 39495  
health and addiction services. If no offer to purchase is received 39496  
by the director of mental health and addiction services within the 39497  
thirty-day period provided in this division, the ~~director's~~ 39498  
original notice from the director of mental health and addiction 39499  
services shall be considered withdrawn and the director of mental 39500  
health and addiction services shall be under no obligation to sell 39501  
any of the lands specified in the notice to the subdivision. If 39502  
two or more offers to purchase the same parcels of land are 39503  
received by the director of mental health and addiction services 39504  
within the required time period from the executive officers of two 39505  
or more subdivisions, the director of mental health and addiction 39506  
services shall accept the offer or offers to purchase that the 39507  
director considers to be in the best interests of the state and of 39508  
the department of mental health and addiction services and shall 39509  
proceed to enter into agreements of sale pursuant to this 39510  
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division. If all of the ~~director's~~ original notices from the 39512  
director of mental health and addiction services relating to a 39513  
given parcel of land become withdrawn, the director of mental 39514  
health and addiction services may thereupon proceed to sell the 39515  
parcel as otherwise provided in this section. No subdivision may 39516  
commence an action to enforce the provisions of this division, or 39517  
to seek any other legal or equitable remedy relative to this 39518  
division, with respect to any lands certified to the ~~auditor of~~ 39519  
~~state~~ director of administrative services under division (A)(4) of 39520  
this section, except within sixty days of the date on which the 39521  
lands were so certified. 39522

(C) Any agreement under this section shall be at such terms 39523  
as will be in the best interests of the state and the department 39524  
of mental health and addiction services. However, the terms of any 39525  
agreement for sale shall include a provision that the purchaser 39526  
will abide by any comprehensive plan for the area that has been 39527  
adopted by the local government in which the property is located 39528  
before the parties enter into the agreement. No lease shall be of 39529  
a duration greater than fifteen years. No agreement, except an 39530  
agreement entered into under division (B) of this section, shall 39531  
be entered into before the proposal to sell or lease the land or 39532  
facilities has been advertised once each week for four weeks in a 39533  
newspaper of general circulation in every county in which the 39534  
lands or facilities are located and if the preliminary appraised 39535  
value of the land to be sold or leased is more than one hundred 39536  
thousand dollars, advertisement shall be made once each week for 39537  
four weeks in at least two newspapers in the state having a daily 39538  
circulation of one hundred thousand or more. If a city in this 39539  
state is served by more than one newspaper having a circulation of 39540  
one hundred thousand or more, advertisement may be made in only 39541  
one of the newspapers serving the city. 39542

(D) Each deed or lease prepared and recorded pursuant to this 39543

section shall contain a recital stating that all provisions of 39544  
this section have been complied with. The recital shall be 39545  
considered binding and conclusive against all subdivisions of the 39546  
state provided no action has been commenced pursuant to division 39547  
(B) of this section. Any deed or lease containing such a recital 39548  
shall be conclusively presumed to have been executed in compliance 39549  
with this section insofar as title or other interest of any bona 39550  
fide purchasers, lessees, or transferees of the property is 39551  
concerned. 39552

(E) Nothing in this section shall be construed as 39553  
establishing a precedent for the disposal of state lands and 39554  
facilities by other departments of the state. 39555

**Sec. 5119.99.** (A) Whoever violates section 5119.333 of the 39556  
Revised Code is guilty of a misdemeanor of the first degree. 39557

(B) Whoever violates division (B) of section 5119.61 of the 39558  
Revised Code is guilty of a misdemeanor of the fourth degree. 39559

(C) Whoever violates section 5119.27 or 5119.28, division (A) 39560  
of section 5119.35, division ~~(H)~~(K) of section 5119.36, or 39561  
division (A)(1) or (2) of section 5119.37 of the Revised Code is 39562  
guilty of a felony of the fifth degree. 39563

**Sec. 5120.035.** (A) As used in this section: 39564

(1) "Community treatment provider" means a program that 39565  
provides substance use disorder assessment and treatment for 39566  
persons and that satisfies all of the following: 39567

(a) It is located outside of a state correctional 39568  
institution. 39569

(b) It shall provide the assessment and treatment for 39570  
qualified prisoners referred and transferred to it under this 39571  
section in a suitable facility that is licensed pursuant to 39572

division (C) of section 2967.14 of the Revised Code. 39573

(c) All qualified prisoners referred and transferred to it 39574  
under this section shall reside initially in the suitable facility 39575  
specified in division (A)(1)(b) of this section while undergoing 39576  
the assessment and treatment. 39577

(2) "Electronic monitoring device" has the same meaning as in 39578  
section 2929.01 of the Revised Code. 39579

(3) "State correctional institution" has the same meaning as 39580  
in section 2967.01 of the Revised Code. 39581

(4) "Qualified prisoner" means a person who satisfies all of 39582  
the following: 39583

(a) The person is confined in a state correctional 39584  
institution under a prison term imposed for a felony of the third, 39585  
fourth, or fifth degree that is not an offense of violence. 39586

~~(b) The person has not previously been convicted of or 39587  
pleaded guilty to a felony offense of violence and, within the 39588  
preceding five years, has not been convicted of or pleaded guilty 39589  
to a misdemeanor offense of violence. 39590~~

~~(e)~~ The department of rehabilitation and correction 39591  
determines, using a standardized assessment tool, that the person 39592  
has a substance use disorder. 39593

~~(d)~~(c) The person has not more than twelve months remaining 39594  
to be served under the prison term described in division (A)(4)(a) 39595  
of this section. 39596

~~(e)~~(d) The person is not serving any prison term other than 39597  
the term described in division (A)(4)(a) of this section. 39598

~~(f)~~(e) The person is eighteen years of age or older. 39599

~~(g)~~(f) The person does not show signs of drug or alcohol 39600  
withdrawal and does not require medical detoxification. 39601

~~(h)~~(g) As determined by the department of rehabilitation and 39602  
correction, the person is physically and mentally capable of 39603  
uninterrupted participation in the substance use disorder 39604  
treatment program established under division (B) of this section. 39605

(B) The department of rehabilitation and correction shall 39606  
establish and operate a program for community-based substance use 39607  
disorder treatment for qualified prisoners. The purpose of the 39608  
program shall be to provide substance use disorder assessment and 39609  
treatment through community treatment providers to help reduce 39610  
substance use relapses and recidivism for qualified prisoners 39611  
while preparing them for reentry into the community and improving 39612  
public safety. 39613

(C)(1) The department shall determine which qualified 39614  
prisoners in its custody should be placed in the substance use 39615  
disorder treatment program established under division (B) of this 39616  
section. The department has full discretion in making that 39617  
determination. If the department determines that a qualified 39618  
prisoner should be placed in the program, the department may refer 39619  
the prisoner to a community treatment provider the department has 39620  
approved under division (E) of this section for participation in 39621  
the program and transfer the prisoner from the state correctional 39622  
institution to the provider's approved and licensed facility. 39623  
Except as otherwise provided in division (C)(3) of this section, 39624  
no prisoner shall be placed under the program in any facility 39625  
other than a facility of a community treatment provider that has 39626  
been so approved. If the department places a prisoner in the 39627  
program, the prisoner shall receive credit against the prisoner's 39628  
prison term for all time served in the provider's approved and 39629  
licensed facility and may earn days of credit under section 39630  
2967.193 of the Revised Code, but otherwise neither the placement 39631  
nor the prisoner's participation in or completion of the program 39632  
shall result in any reduction of the prisoner's prison term. 39633

(2) If the department places a prisoner in the substance use disorder treatment program, the prisoner does not satisfactorily participate in the program, and the prisoner has not served the prisoner's entire prison term, the department may remove the prisoner from the program and return the prisoner to a state correctional institution.

(3) If the department places a prisoner in the substance use disorder treatment program and the prisoner is satisfactorily participating in the program, the department may permit the prisoner to reside at a residence approved by the department if the department determines, with input from the community treatment provider, that residing at the approved residence will help the prisoner prepare for reentry into the community and will help reduce substance use relapses and recidivism for the prisoner. If a prisoner is permitted under this division to reside at a residence approved by the department, the prisoner shall be monitored during the period of that residence by an electronic monitoring device.

(D)(1) When a prisoner has been placed in the substance use disorder treatment program established under division (B) of this section, before the prisoner is released from custody of the department upon completion of the prisoner's prison term, the department shall conduct and prepare an evaluation of the prisoner, the prisoner's participation in the program, and the prisoner's needs regarding substance use disorder treatment upon release. Before the prisoner is released from custody of the department upon completion of the prisoner's prison term, the parole board or the court acting pursuant to an agreement under section 2967.29 of the Revised Code shall consider the evaluation, in addition to all other information and materials considered, as follows:

(a) If the prisoner is a prisoner for whom post-release

control is mandatory under section 2967.28 of the Revised Code, 39666  
the board or court shall consider it in determining which 39667  
post-release control sanction or sanctions to impose upon the 39668  
prisoner under that section. 39669

(b) If the prisoner is a prisoner for whom post-release 39670  
control is not mandatory under section 2967.28 of the Revised 39671  
Code, the board or court shall consider it in determining whether 39672  
a post-release control sanction is necessary and, if so, which 39673  
post-release control sanction or sanctions to impose upon the 39674  
prisoner under that section. 39675

(2) If the department determines that a prisoner it placed in 39676  
the substance use disorder treatment program successfully 39677  
completed the program and successfully completed a term of 39678  
post-release control, if applicable, and if the prisoner submits 39679  
an application under section 2953.32 of the Revised Code for 39680  
sealing the record of the conviction, the director may issue a 39681  
letter to the court in support of the application. 39682

(E)(1) The department shall accept applications from 39683  
community treatment providers that satisfy the requirement 39684  
specified in division (E)(2) of this section and that wish to 39685  
participate in the substance use disorder treatment program 39686  
established under division (B) of this section, and shall approve 39687  
for participation in the program at least four and not more than 39688  
eight of the providers that apply. To the extent feasible, the 39689  
department shall approve one or more providers from each 39690  
geographical quadrant of the state. 39691

(2) Each community treatment provider that applies under 39692  
division (E)(1) of this section to participate in the program 39693  
shall have the provider's alcohol and drug addiction services that 39694  
provide substance use disorder treatment certified by the 39695  
department of mental health and addiction services under section 39696  
5119.36 of the Revised Code. A community treatment provider is not 39697

required to have the provider's halfway house or residential  
treatment certified by the department of mental health and  
addiction services.

(F) The department of rehabilitation and correction shall  
adopt rules for the operation of the substance use disorder  
treatment program it establishes under division (B) of this  
section and shall operate the program in accordance with this  
section and those rules. The rules shall establish, at a minimum,  
all of the following:

(1) Criteria that establish which qualified prisoners are  
eligible for the program;

(2) Criteria that must be satisfied to transfer a qualified  
prisoner to a residence pursuant to division (C)(3) of this  
section;

(3) Criteria for the removal of a prisoner from the program  
pursuant to division (C)(2) of this section;

(4) Criteria for determining when an offender has  
successfully completed the program for purposes of division (D)(2)  
of this section;

(5) Criteria for community treatment providers to provide  
assessment and treatment, including minimum standards for  
treatment.

**Sec. 5120.62.** The director ~~or~~ of rehabilitation and  
correction shall adopt rules under Chapter 119. of the Revised  
Code that govern the establishment and operation of a system that  
provides limited and monitored access to the internet for  
prisoners ~~who are participating in an approved educational program  
with direct supervision that requires the use of the internet for  
training or research purposes~~ solely for a use or purpose approved  
by the managing officer of that prisoner's institution or by the

managing officer's designee. The rules shall include all of the 39728  
following: 39729

(A) Criteria by which inmates may be screened and approved 39730  
for access or training involving the internet; 39731

(B) Designation of the authority to approve internet sites 39732  
for authorized use; 39733

(C) A requirement that only pre-approved sites will be 39734  
~~accessible on the computers used by prisoners in the educational~~ 39735  
~~program;~~ 39736

(D) A process for the periodic review of the operation of the 39737  
system, including users of the system and the sites accessed by 39738  
the system; 39739

(E) Sanctions that must be imposed against prisoners and 39740  
staff members who violate department rules governing prisoner 39741  
access to the internet. 39742

**Sec. 5123.025.** It is hereby declared to be the policy of this 39743  
state that individuals with developmental disabilities shall have 39744  
access to innovative technology solutions. Technology can ensure 39745  
that people with developmental disabilities have increased 39746  
opportunities to live, work, and thrive in their homes, 39747  
communities, and places of employment through state of the art 39748  
planning, innovative technology, and supports that focus on their 39749  
talents, interests, and skills. 39750

The departments of developmental disabilities, education, 39751  
medicaid, aging, job and family services, mental health and 39752  
addiction services, and transportation; the opportunities for 39753  
Ohioans with disabilities agency; and each other state agency that 39754  
provides technology services to individuals with developmental 39755  
disabilities shall implement the policy of this state and ensure 39756  
that it is followed whenever technology services are provided to 39757

individuals with developmental disabilities. 39758

The department of developmental disabilities, in partnership 39759  
with the office of innovateohio, shall coordinate the actions 39760  
taken by state agencies to comply with the state's policy. 39761  
Agencies shall collaborate within their divisions and with each 39762  
other to ensure that state programs, policies, procedures, and 39763  
funding support the development of access to technology for 39764  
individuals with developmental disabilities. State agencies shall 39765  
share information with the department, and the department shall 39766  
track progress toward full implementation of the policy. The 39767  
department, in coordination with the technology first task force 39768  
established under section 5123.026 of Revised Code, shall compile 39769  
data and annually submit to the governor and lieutenant governor a 39770  
report on implementation of the policy. 39771

The department and state agencies may adopt rules to 39772  
implement the state's policy. 39773

**Sec. 5123.026.** (A) The director of developmental disabilities 39774  
shall establish a technology first task force consisting of 39775  
representatives from the office of innovateohio; the departments 39776  
of developmental disabilities, education, medicaid, aging, job and 39777  
family services, mental health and addiction services, and 39778  
transportation; and the opportunities for Ohioans with 39779  
disabilities agency. 39780

(B) The task force shall do all of the following: 39781

(1) Expand innovative technology solutions within the 39782  
operation and delivery of services to individuals with 39783  
developmental disabilities; 39784

(2) Use technology to reduce the barriers individuals with 39785  
developmental disabilities experience; 39786

(3) Align policies for all state agencies on the task force. 39787

(C) The department of developmental disabilities may enter into interagency agreements with any of the government entities on the task force. The interagency agreements may specify either or both of the following: 39788  
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39790  
39791

(1) The roles and responsibilities of the government entities that are members of the task force, including any money to be contributed by those entities; 39792  
39793  
39794

(2) The projects and activities of the task force. 39795

(D) The department and state agencies may adopt rules to implement the task force. 39796  
39797

**Sec. 5123.034.** (A) As used in this section, "developmental center" has the same meaning as in section 5123.032 of the Revised Code. 39798  
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39800

(B) A developmental center of the department of developmental disabilities may provide services to both of the following: 39801  
39802

(1) Individuals with developmental disabilities who reside in the community in which the developmental center is located; 39803  
39804

(2) Providers who provide services to individuals with developmental disabilities who reside in the community in which the developmental center is located. 39805  
39806  
39807

(C) The department may develop a method for recovering the costs associated with providing these services. 39808  
39809

**Sec. 5123.35.** (A) There is hereby created the Ohio developmental disabilities council, which shall serve as an advocate for all persons with developmental disabilities. The council shall act in accordance with the "Developmental Disabilities Assistance and Bill of Rights Act of 2000," ~~98 Stat. 2662 (1984)~~, 42 U.S.C. 6001, ~~as amended 15001~~. The governor shall appoint the members of the council in accordance with 42 U.S.C. 39810  
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~~6024~~ 15025. 39817

(B) The council shall develop the state plan required by 39818  
federal law as a condition of receiving federal assistance under 39819  
42 U.S.C. ~~6021 to 6030~~ 15021 to 15029. The department of 39820  
developmental disabilities, as the state agency selected by the 39821  
governor for purposes of receiving the federal assistance, shall 39822  
receive, account for, and disburse funds based on the state plan 39823  
and shall provide assurances and other administrative support 39824  
services required as a condition of receiving the federal 39825  
assistance. 39826

(C) The federal funds may be disbursed through grants to or 39827  
contracts with persons and government agencies for the provision 39828  
of necessary or useful goods and services for persons with 39829  
developmental disabilities. The council may award the grants or 39830  
enter into the contracts. 39831

(D) The council may award grants to or enter into contracts 39832  
with a member of the council or an entity that the member 39833  
represents if all of the following apply: 39834

(1) The member serves on the council as a representative of 39835  
one of the principal state agencies concerned with services for 39836  
persons with developmental disabilities as specified in 42 U.S.C. 39837  
~~6024(b)(3)~~ 15025(b)(4), a representative of a university 39838  
affiliated program as defined in 42 U.S.C. ~~6001(18)~~ 15002(5), or a 39839  
representative of the Ohio protection and advocacy system, as 39840  
defined in section 5123.60 of the Revised Code. 39841

(2) The council determines that the member or the entity the 39842  
member represents is capable of providing the goods or services 39843  
specified under the terms of the grant or contract. 39844

(3) The member has not taken part in any discussion or vote 39845  
of the council related to awarding the grant or entering into the 39846

contract, including service as a member of a review panel 39847  
established by the council to award grants or enter into contracts 39848  
or to make recommendations with regard to awarding grants or 39849  
entering into contracts. 39850

(E) A member of the council is not in violation of Chapter 39851  
102. or section 2921.42 of the Revised Code with regard to 39852  
receiving a grant or entering into a contract under this section 39853  
if the requirements of division (D) of this section have been met. 39854

(F)(1) Notwithstanding division (C) of section 121.22 of the 39855  
Revised Code, the requirement for a member's presence in person at 39856  
a meeting in order to be part of a quorum or to vote does not 39857  
apply if the council holds a meeting by interactive video 39858  
conference and all of the following apply: 39859

(a) A primary meeting location that is open and accessible to 39860  
the public is established for the meeting of the council; 39861

(b) A clear video and audio connection is established that 39862  
enables all meeting participants at the primary meeting location 39863  
to witness the participation of each member; 39864

(c) A roll call vote is recorded for each vote taken; 39865

(d) The minutes of the council identify which members 39866  
participated by interactive video conference. 39867

(2) Notwithstanding division (C) of section 121.22 of the 39868  
Revised Code, the requirement for a member's presence in person at 39869  
a meeting in order to be part of a quorum or to vote does not 39870  
apply if the council holds a meeting by teleconference and all of 39871  
the following apply: 39872

(a) The council has determined its membership does not have 39873  
access to and the council cannot provide access to the equipment 39874  
needed to conduct interactive video conferencing; 39875

(b) A primary meeting location that is open and accessible to 39876

the public is established for the meeting of the council; 39877

(c) A clear audio connection is established that enables all 39878  
meeting participants at the primary meeting location to hear the 39879  
participation of each member; 39880

(d) A roll call vote is recorded for each vote taken; 39881

(e) The minutes of the council identify which members 39882  
participated by teleconference. 39883

(3) The council shall adopt any rules the council considers 39884  
necessary to implement this section. The rules shall be adopted in 39885  
accordance with Chapter 119. of the Revised Code. At a minimum, 39886  
the rules shall do all of the following: 39887

(a) Authorize council members to remotely attend a council 39888  
meeting by interactive video conference or teleconference in lieu 39889  
of attending the meeting in person; 39890

(b) Establish a minimum number of members required to be 39891  
physically present in person at the primary meeting location if 39892  
the council conducts a meeting by interactive video conference or 39893  
teleconference; 39894

(c) Establish geographic restrictions for participation in 39895  
meetings by interactive video conference or teleconference; 39896

(d) Establish a policy for distributing and circulating 39897  
necessary documents to council members, the public, and the media 39898  
in advance of a meeting at which members are permitted to attend 39899  
by interactive video conference or teleconference; 39900

(e) Establish a method for verifying the identity of a member 39901  
who remotely attends a meeting by teleconference. 39902

**Sec. 5123.89.** (A) As used in this section: 39903

(1) "Family" means a parent, brother, sister, spouse, son, 39904  
daughter, grandparent, aunt, uncle, or cousin. 39905

(2) "Payment" means activities undertaken by a service provider or government entity to obtain or provide reimbursement for services provided to a person.

(3) "Treatment" means the provision of services to a person, including the coordination or management of services provided to the person.

(B) All certificates, applications, records, and reports made for the purpose of this chapter, other than court journal entries or court docket entries, that directly or indirectly identify a resident or former resident of an institution for persons with intellectual disabilities or person whose institutionalization has been sought under this chapter shall be kept confidential and shall not be disclosed by any person except in the following situations:

(1) It is the judgment of the court for judicial records, and the managing officer for institution records, that disclosure is in the best interest of the person identified, and that person or that person's guardian or, if that person is a minor, that person's parent or guardian consents.

(2) Disclosure is provided for in other sections of this chapter.

(3) Disclosure is of a record deposited with the Ohio history connection pursuant to division (C) of section 5123.31 of the Revised Code and the disclosure is made to the closest living relative of the person identified, on the relative's request.

(4) Disclosure is needed for the treatment of a person who is a resident or former resident of an institution for persons with intellectual disabilities or a person whose institutionalization has been sought under this chapter or is needed for the payment of services provided to the person.

(5) Disclosure is needed for a guardianship proceeding under

<u>Chapter 2111. of the Revised Code.</u>	39937
(C) The department of developmental disabilities shall adopt rules with respect to the systematic and periodic destruction of residents' records.	39938 39939 39940
(D) Upon the death of a resident or former resident of an institution for persons with intellectual disabilities or a person whose institutionalization was sought under this chapter, the managing officer of an institution shall provide access to the certificates, applications, records, and reports made for the purposes of this chapter to the resident's, former resident's, or person's guardian if the guardian makes a written request. If a deceased resident, former resident, or person whose institutionalization was sought under this chapter did not have a guardian at the time of death, the managing officer shall provide access to the certificates, applications, records, and reports made for purposes of this chapter to a member of the person's family, upon that family member's written request.	39941 39942 39943 39944 39945 39946 39947 39948 39949 39950 39951 39952 39953
(E) No person shall reveal the contents of a record of a resident except as authorized by this chapter.	39954 39955
<b>Sec. 5124.01.</b> As used in this chapter:	39956
(A) "Addition" means an increase in an ICF/IID's square footage.	39957 39958
(B) "Affiliated operator" means an operator affiliated with either of the following:	39959 39960
(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes;	39961 39962 39963 39964 39965
(2) The entering operator involved in the change of operator	39966

with the exiting operator specified in division (B)(1) of this section. 39967  
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(C) "Allowable costs" means an ICF/IID's costs that the department of developmental disabilities determines are reasonable. Fines paid under section 5124.99 of the Revised Code are not allowable costs. 39969  
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(D) "Capital costs" means an ICF/IID's costs of ownership and costs of nonextensive renovation. 39973  
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(E) "Case-mix score" means the measure determined under section 5124.192, or 5124.193, ~~or 5124.197~~ of the Revised Code of the relative direct-care resources needed to provide care and habilitation to an ICF/IID resident. 39975  
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(F) "Change of operator" means an entering operator becoming the operator of an ICF/IID in the place of the exiting operator. 39979  
39980

(1) Actions that constitute a change of operator include the following: 39981  
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(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship; 39983  
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(b) A transfer of all the exiting operator's ownership interest in the operation of the ICF/IID to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the ICF/IID is also transferred; 39986  
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(c) A lease of the ICF/IID to the entering operator or the exiting operator's termination of the exiting operator's lease; 39991  
39992

(d) If the exiting operator is a partnership, dissolution of the partnership; 39993  
39994

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply: 39995  
39996

(i) The change in composition does not cause the partnership's dissolution under state law.	39997 39998
(ii) The partners agree that the change in composition does not constitute a change in operator.	39999 40000
(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.	40001 40002 40003 40004
(2) The following, alone, do not constitute a change of operator:	40005 40006
(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;	40007 40008 40009
(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator;	40010 40011 40012 40013
(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.	40014 40015 40016 40017
(G) "Cost center" means the following:	40018
(1) Capital costs;	40019
(2) Direct care costs;	40020
(3) Indirect care costs;	40021
(4) Other protected costs.	40022
(H)(1) Except as provided in division (H)(2) of this section, "cost report year" means the calendar year immediately preceding the calendar year in which a fiscal year for which a medicaid	40023 40024 40025

payment rate determination is made begins. 40026

(2) When a cost report the department of developmental 40027  
disabilities accepts under division (A) or (C)(1)(b) of section 40028  
5124.101 of the Revised Code is used in determining an ICF/IID's 40029  
medicaid payment rate, "cost report year" means the period that 40030  
the cost report covers. 40031

(I) "Costs of nonextensive renovations" means ~~the following:~~ 40032

~~(1) For the purpose of determining an ICF/IID's per medicaid 40033  
day capital component rate under section 5124.17 of the Revised 40034  
Code, the actual expense incurred by the an ICF/IID for 40035  
depreciation or amortization and interest on renovations approved 40036  
by the department of developmental disabilities as nonextensive 40037  
renovations:~~ 40038

~~(2) For the purpose of determining an ICF/IID's per medicaid 40039  
day payment rate for reasonable capital costs under section 40040  
5124.171 of the Revised Code, the actual expense incurred by the 40041  
ICF/IID for depreciation or amortization and interest on 40042  
renovations that are not extensive renovations. 40043~~

(J)(1) "Costs of ownership" means the actual expenses 40044  
incurred by an ICF/IID for all of the following: 40045

(a) Subject to division (J)(2) of this section, depreciation 40046  
and interest on any capital assets that cost five hundred dollars 40047  
or more per item, including the following: 40048

(i) Buildings; 40049

(ii) Building improvements that are not approved as 40050  
nonextensive renovations for the purpose of section 5124.17 ~~or~~ 40051  
~~5124.171~~ of the Revised Code; 40052

(iii) Equipment; 40053

(iv) Transportation equipment; 40054

~~(v) For the purpose of determining an ICF/IID's per medicaid 40055~~

~~day payment rate for reasonable capital costs under section 40056~~  
~~5124.171 of the Revised Code, extensive renovations. 40057~~

(b) Amortization and interest on land improvements and 40058  
leasehold improvements; 40059

(c) Amortization of financing costs; 40060

(d) Except as provided in division ~~(BB)~~(AA) of this section, 40061  
lease and rent of land, building, and equipment. 40062

(2) The costs of capital assets of less than five hundred 40063  
dollars per item may be considered costs of ownership in 40064  
accordance with an ICF/IID provider's practice. 40065

(K)(1) "Date of licensure" means the following: 40066

(a) In the case of an ICF/IID that was originally licensed as 40067  
a nursing home under Chapter 3721. of the Revised Code, the date 40068  
that it was originally so licensed, regardless that it was 40069  
subsequently licensed as a residential facility under section 40070  
5123.19 of the Revised Code; 40071

(b) In the case of an ICF/IID that was originally licensed as 40072  
a residential facility under section 5123.19 of the Revised Code, 40073  
the date it was originally so licensed; 40074

(c) In the case of an ICF/IID that was not required by law to 40075  
be licensed as a nursing home or residential facility when it was 40076  
originally operated as a residential facility, the date it first 40077  
was operated as a residential facility, regardless of the date the 40078  
ICF/IID was first licensed as a nursing home or residential 40079  
facility. 40080

(2) If, after an ICF/IID's original date of licensure, more 40081  
residential facility beds are added to the ICF/IID or all or part 40082  
of the ICF/IID undergoes an extensive renovation, the ICF/IID has 40083  
a different date of licensure for the additional beds or 40084  
extensively renovated portion of the ICF/IID. This does not apply, 40085

however, to additional beds when both of the following apply: 40086

(a) The additional beds are located in a part of the ICF/IID 40087  
that was constructed at the same time as the continuing beds 40088  
already located in that part of the ICF/IID. 40089

(b) The part of the ICF/IID in which the additional beds are 40090  
located was constructed as part of the ICF/IID at a time when the 40091  
ICF/IID was not required by law to be licensed as a nursing home 40092  
or residential facility. 40093

(3) The definition of "date of licensure" in this section 40094  
applies in determinations of ICFs/IID's medicaid payment rates but 40095  
does not apply in determinations of ICFs/IID's franchise permit 40096  
fees under sections 5168.60 to 5168.71 of the Revised Code. 40097

(L) "Desk-reviewed" means that an ICF/IID's costs as reported 40098  
on a cost report filed under section 5124.10 or 5124.101 of the 40099  
Revised Code have been subjected to a desk review under section 40100  
5124.108 of the Revised Code and preliminarily determined to be 40101  
allowable costs. 40102

(M) "Developmental center" means a residential facility that 40103  
is maintained and operated by the department of developmental 40104  
disabilities. 40105

(N) "Direct care costs" means all of the following costs 40106  
incurred by an ICF/IID: 40107

(1) Costs for registered nurses, licensed practical nurses, 40108  
and nurse aides employed by the ICF/IID; 40109

(2) Costs for direct care staff, administrative nursing 40110  
staff, medical directors, respiratory therapists, physical 40111  
therapists, physical therapy assistants, occupational therapists, 40112  
occupational therapy assistants, speech therapists, audiologists, 40113  
habilitation staff (including habilitation supervisors), qualified 40114  
intellectual disability professionals, program directors, social 40115

services staff, activities staff, psychologists, psychology	40116
assistants, social workers, counselors, and other persons holding	40117
degrees qualifying them to provide therapy;	40118
(3) Costs of purchased nursing services;	40119
(4) Costs of training and staff development, employee	40120
benefits, payroll taxes, and workers' compensation premiums or	40121
costs for self-insurance claims and related costs as specified in	40122
rules adopted under section 5124.03 of the Revised Code, for	40123
personnel listed in divisions (N)(1), (2), and (3) of this	40124
section;	40125
(5) Costs of quality assurance;	40126
(6) Costs of consulting and management fees related to direct	40127
care;	40128
(7) Allocated direct care home office costs;	40129
(8) Costs of off-site day programming, including day	40130
programming that is provided in an area that is not certified by	40131
the director of health as an ICF/IID under Title XIX and	40132
regardless of either of the following:	40133
(a) Whether or not the area in which the day programming is	40134
provided is less than two hundred feet away from the ICF/IID;	40135
(b) Whether or not the day programming is provided by an	40136
individual or organization that is a related party to the ICF/IID	40137
provider.	40138
(9) Costs of other direct-care resources that are specified	40139
as direct care costs in rules adopted under section 5124.03 of the	40140
Revised Code.	40141
(O) "Downsized ICF/IID" means an ICF/IID that permanently	40142
reduced its medicaid-certified capacity pursuant to a plan	40143
approved by the department of developmental disabilities under	40144
section 5123.042 of the Revised Code.	40145

(P) "Effective date of a change of operator" means the day 40146  
the entering operator becomes the operator of the ICF/IID. 40147

(Q) "Effective date of a facility closure" means the last day 40148  
that the last of the residents of the ICF/IID resides in the 40149  
ICF/IID. 40150

(R) "Effective date of an involuntary termination" means the 40151  
date the department of medicaid terminates the operator's provider 40152  
agreement for the ICF/IID or the last day that such a provider 40153  
agreement is in effect when the department cancels or refuses to 40154  
revalidate it. 40155

(S) "Effective date of a voluntary termination" means the day 40156  
the ICF/IID ceases to accept medicaid recipients. 40157

(T) "Entering operator" means the person or government entity 40158  
that will become the operator of an ICF/IID when a change of 40159  
operator occurs or following an involuntary termination. 40160

(U) "Exiting operator" means any of the following: 40161

(1) An operator that will cease to be the operator of an 40162  
ICF/IID on the effective date of a change of operator; 40163

(2) An operator that will cease to be the operator of an 40164  
ICF/IID on the effective date of a facility closure; 40165

(3) An operator of an ICF/IID that is undergoing or has 40166  
undergone a voluntary termination; 40167

(4) An operator of an ICF/IID that is undergoing or has 40168  
undergone an involuntary termination. 40169

(V)(1) ~~For the purpose of determining an ICF/IID's per 40170  
medicaid day payment rate for reasonable capital costs under 40171  
section 5124.171 of the Revised Code, "extensive renovation" means 40172  
the following:~~ 40173

~~(a) An ICF/IID's betterment, improvement, or restoration to 40174  
which both of the following apply:~~ 40175

<del>(i) It was started before July 1, 1993.</del>	40176
<del>(ii) It meets the definition of "extensive renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.</del>	40177 40178 40179
<del>(b) An ICF/IID's betterment, improvement, or restoration to which all of the following apply:</del>	40180 40181
<del>(i) It was started on or after July 1, 1993.</del>	40182
<del>(ii) Except as provided in division (V)(2) of this section, it costs more than sixty five per cent and not more than eighty five per cent of the cost of constructing a new bed.</del>	40183 40184 40185
<del>(iii) It extends the useful life of the assets for at least ten years.</del>	40186 40187
<del>(2) The department of developmental disabilities may treat a renovation that costs more than eighty five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds.</del>	40188 40189 40190 40191 40192
<del>(3) For the purpose of division (V)(1)(b)(ii) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the extensive renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.</del>	40193 40194 40195 40196 40197 40198 40199 40200
<del>(W)(1) Subject to divisions (W)(2) (V)(2) and (3) of this section, "facility closure" means either of the following:</del>	40201 40202
<del>(a) Discontinuance of the use of the building, or part of the building, that houses the facility as an ICF/IID that results in the relocation of all of the facility's residents;</del>	40203 40204 40205

(b) Conversion of the building, or part of the building, that houses an ICF/IID to a different use with any necessary license or other approval needed for that use being obtained and one or more of the facility's residents remaining in the facility to receive services under the new use.

(2) A facility closure occurs regardless of any of the following:

(a) The operator completely or partially replacing the ICF/IID by constructing a new ICF/IID or transferring the ICF/IID's license to another ICF/IID;

(b) The ICF/IID's residents relocating to another of the operator's ICFs/IID;

(c) Any action the department of health takes regarding the ICF/IID's medicaid certification that may result in the transfer of part of the ICF/IID's survey findings to another of the operator's ICFs/IID;

(d) Any action the department of developmental disabilities takes regarding the ICF/IID's license under section 5123.19 of the Revised Code.

(3) A facility closure does not occur if all of the ICF/IID's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the ICF/IID not later than thirty days after the evacuation occurs.

~~(X)~~(W) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.

~~(Y)~~(X) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

~~(Z)~~(Y) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

~~(AA)~~(Z) "ICF/IID services" has the same meaning as in 42

C.F.R. 440.150. 40236

~~(BB)~~(1)~~(AA)~~(1) "Indirect care costs" means all reasonable 40237  
costs incurred by an ICF/IID other than capital costs, direct care 40238  
costs, and other protected costs. "Indirect care costs" includes 40239  
costs of habilitation supplies, pharmacy consultants, medical and 40240  
habilitation records, program supplies, incontinence supplies, 40241  
food, enterals, dietary supplies and personnel, laundry, 40242  
housekeeping, security, administration, liability insurance, 40243  
bookkeeping, purchasing department, human resources, 40244  
communications, travel, dues, license fees, subscriptions, home 40245  
office costs not otherwise allocated, legal services, accounting 40246  
services, minor equipment, maintenance and repair expenses, 40247  
help-wanted advertising, informational advertising, start-up 40248  
costs, organizational expenses, other interest, property 40249  
insurance, employee training and staff development, employee 40250  
benefits, payroll taxes, and workers' compensation premiums or 40251  
costs for self-insurance claims and related costs, as specified in 40252  
rules adopted under section 5124.03 of the Revised Code, for 40253  
personnel listed in this division. Notwithstanding division (J) of 40254  
this section, "indirect care costs" also means the cost of 40255  
equipment, including vehicles, acquired by operating lease 40256  
executed before December 1, 1992, if the costs are reported as 40257  
administrative and general costs on the ICF/IID's cost report for 40258  
the cost reporting period ending December 31, 1992. 40259

(2) For the purpose of division ~~(BB)~~(1)~~(AA)~~(1) of this 40260  
section, an operating lease shall be construed in accordance with 40261  
generally accepted accounting principles. 40262

~~(CC)~~(BB) "Inpatient days" means both of the following: 40263

(1) All days during which a resident, regardless of payment 40264  
source, occupies a bed in an ICF/IID that is included in the 40265  
ICF/IID's medicaid-certified capacity; 40266

(2) All days for which payment is made under section 5124.34 40267  
of the Revised Code. 40268

~~(DD)~~(CC) "Intermediate care facility for individuals with 40269  
intellectual disabilities" and "ICF/IID" mean an intermediate care 40270  
facility for the mentally retarded as defined in the "Social 40271  
Security Act," section 1905(d), 42 U.S.C. 1396d(d). 40272

~~(EE)~~(DD) "Involuntary termination" means the department of 40273  
medicaid's termination of, cancellation of, or refusal to 40274  
revalidate the operator's provider agreement for the ICF/IID when 40275  
such action is not taken at the operator's request. 40276

~~(FF)~~(EE) "Maintenance and repair expenses" means, ~~except as~~ 40277  
~~provided in division (XX)(2)(b) of this section,~~ expenditures that 40278  
are necessary and proper to maintain an asset in a normally 40279  
efficient working condition and that do not extend the useful life 40280  
of the asset two years or more. "Maintenance and repair expenses" 40281  
includes the costs of ordinary repairs such as painting and 40282  
wallpapering. 40283

~~(GG)~~(FF) "Medicaid-certified capacity" means the number of an 40284  
ICF/IID's beds that are certified for participation in medicaid as 40285  
ICF/IID beds. 40286

~~(HH)~~(GG) "Medicaid days" means both of the following: 40287

(1) All days during which a resident who is a medicaid 40288  
recipient eligible for ICF/IID services occupies a bed in an 40289  
ICF/IID that is included in the ICF/IID's medicaid-certified 40290  
capacity; 40291

(2) All days for which payment is made under section 5124.34 40292  
of the Revised Code. 40293

~~(II)~~(1)(HH)(1) "New ICF/IID" means an ICF/IID for which the 40294  
provider obtains an initial provider agreement following the 40295  
director of health's medicaid certification of the ICF/IID, 40296

including such an ICF/IID that replaces one or more ICFs/IID for which a provider previously held a provider agreement. 40297  
40298

(2) "New ICF/IID" does not mean either of the following: 40299

(a) An ICF/IID for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or (pursuant to section 5124.515) section 5124.07 of the Revised Code; 40300  
40301  
40302  
40303

(b) A downsized ICF/IID or partially converted ICF/IID. 40304

~~(JJ)~~(II) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code. 40305  
40306

~~(KK)~~(JJ) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID. 40307  
40308  
40309

~~(LL)~~(KK) "Other protected costs" means costs incurred by an ICF/IID for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code. 40310  
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40316

~~(MM)~~(1)~~(LL)~~(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/IID: 40317  
40318  
40319  
40320

(a) The land on which the ICF/IID is located; 40321

(b) The structure in which the ICF/IID is located; 40322

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the ICF/IID is located; 40323  
40324  
40325

(d) Any lease or sublease of the land or structure on or in 40326

which the ICF/IID is located. 40327

(2) "Owner" does not mean a holder of a debenture or bond 40328  
related to an ICF/IID and purchased at public issue or a regulated 40329  
lender that has made a loan related to the ICF/IID unless the 40330  
holder or lender operates the ICF/IID directly or through a 40331  
subsidiary. 40332

~~(NN)~~(MM) "Partially converted ICF/IID" means an ICF/IID that 40333  
converted some, but not all, of its beds to providing home and 40334  
community-based services under the individual options waiver 40335  
pursuant to section 5124.60 or 5124.61 of the Revised Code. 40336

~~(OO)~~(1)(NN) For the purpose of the total per medicaid day 40337  
payment rate determined for an ICF/IID under division ~~(B)~~(A) of 40338  
section 5124.15 of the Revised Code and the initial total per 40339  
medicaid day payment rate determined for a new ICF/IID under 40340  
section 5124.151 of the Revised Code: 40341

~~(a)~~(1) "Peer group ~~1-A1~~" means each ICF/IID with a 40342  
medicaid-certified capacity exceeding sixteen. 40343

~~(b)~~(2) "Peer group ~~2-A2~~" means each ICF/IID with a 40344  
medicaid-certified capacity exceeding eight but not exceeding 40345  
sixteen. 40346

~~(c)~~(3) "Peer group ~~3-A3~~" means each ICF/IID with a 40347  
medicaid-certified capacity of seven or eight. 40348

~~(d)~~(4) "Peer group ~~4-A4~~" means each ICF/IID with a 40349  
medicaid-certified capacity not exceeding six, other than an 40350  
ICF/IID that is in peer group 5-A. 40351

~~(e)~~(5) "Peer group ~~5-A5~~" means each ICF/IID to which all of 40352  
the following apply: 40353

~~(i)~~(a) The ICF/IID is first certified as an ICF/IID after 40354  
July 1, 2014. 40355

~~(ii)~~(b) The ICF/IID has a medicaid-certified capacity not 40356

exceeding six. 40357

~~(iii)(c)~~ The ICF/IID has a contract with the department of 40358  
developmental disabilities that is for fifteen years and includes 40359  
a provision for the department to approve all admissions to, and 40360  
discharges from, the ICF/IID. 40361

~~(iv)(d)~~ The ICF/IID's residents are admitted to the ICF/IID 40362  
directly from a developmental center or have been determined by 40363  
the department to be at risk of admission to a developmental 40364  
center. 40365

~~(2) For the purpose of the total per medicaid day payment 40366  
rate determined for an ICF/IID under division (C) of section 40367  
5124.15 of the Revised Code:~~ 40368

~~(a) "Peer group 1 B" means each ICF/IID with a 40369  
medicaid certified capacity exceeding eight.~~ 40370

~~(b) "Peer group 2 B" means each ICF/IID with a 40371  
medicaid certified capacity not exceeding eight, other than an 40372  
ICF/IID that is in peer group 3.~~ 40373

~~(c) "Peer group 3 B" means each ICF/IID to which all of the 40374  
following apply:~~ 40375

~~(i) The ICF/IID is first certified as an ICF/IID after July 40376  
1, 2014;~~ 40377

~~(ii) The ICF/IID has a medicaid certified capacity not 40378  
exceeding six;~~ 40379

~~(iii) The ICF/IID has a contract with the department of 40380  
developmental disabilities that is for fifteen years and includes 40381  
a provision for the department to approve all admissions to, and 40382  
discharges from, the ICF/IID;~~ 40383

~~(iv) The ICF/IID's residents are admitted to the ICF/IID 40384  
directly from a developmental center or have been determined by 40385  
the department to be at risk of admission to a developmental 40386~~

~~center.~~ 40387

~~(PP)(1)(OO)(1)~~ Except as provided in ~~divisions (PP)(2) and~~ 40388  
~~(3) division (OO)(2)~~ of this section, "per diem" means an 40389  
ICF/IID's desk-reviewed, actual, allowable costs in a given cost 40390  
center in a cost reporting period, divided by the facility's 40391  
inpatient days for that cost reporting period. 40392

~~(2) When determining capital costs for the purpose of section~~ 40393  
~~5124.171 of the Revised Code, "per diem" means an ICF/IID's~~ 40394  
~~actual, allowable capital costs in a cost reporting period divided~~ 40395  
~~by the greater of the facility's inpatient days for that period or~~ 40396  
~~the number of inpatient days the ICF/IID would have had during~~ 40397  
~~that period if its occupancy rate had been ninety five per cent.~~ 40398

~~(3)~~ When determining indirect care costs for the purpose of 40399  
section 5124.21 ~~or 5124.211~~ of the Revised Code, "per diem" means 40400  
an ICF/IID's actual, allowable indirect care costs in a cost 40401  
reporting period divided by the greater of the ICF/IID's inpatient 40402  
days for that period or the number of inpatient days the ICF/IID 40403  
would have had during that period if its occupancy rate had been 40404  
eighty-five per cent. 40405

~~(OO)(PP)~~ "Provider" means an operator with a valid provider 40406  
agreement. 40407

~~(RR)(OO)~~ "Provider agreement" means a provider agreement, as 40408  
defined in section 5164.01 of the Revised Code, that is between 40409  
the department of medicaid and the operator of an ICF/IID for the 40410  
provision of ICF/IID services under the medicaid program. 40411

~~(SS)(RR)~~ "Purchased nursing services" means services that are 40412  
provided in an ICF/IID by registered nurses, licensed practical 40413  
nurses, or nurse aides who are not employees of the ICF/IID. 40414

~~(TT)(SS)~~ "Reasonable" means that a cost is an actual cost 40415  
that is appropriate and helpful to develop and maintain the 40416  
operation of resident care facilities and activities, including 40417

normal standby costs, and that does not exceed what a prudent 40418  
buyer pays for a given item or services. Reasonable costs may vary 40419  
from provider to provider and from time to time for the same 40420  
provider. 40421

~~(UU)~~(TT) "Related party" means an individual or organization 40422  
that, to a significant extent, has common ownership with, is 40423  
associated or affiliated with, has control of, or is controlled 40424  
by, a provider. 40425

(1) An individual who is a relative of an owner is a related 40426  
party. 40427

(2) Common ownership exists when an individual or individuals 40428  
possess significant ownership or equity in both the provider and 40429  
the other organization. Significant ownership or equity exists 40430  
when an individual or individuals possess five per cent ownership 40431  
or equity in both the provider and a supplier. Significant 40432  
ownership or equity is presumed to exist when an individual or 40433  
individuals possess ten per cent ownership or equity in both the 40434  
provider and another organization from which the provider 40435  
purchases or leases real property. 40436

(3) Control exists when an individual or organization has the 40437  
power, directly or indirectly, to significantly influence or 40438  
direct the actions or policies of an organization. 40439

(4) An individual or organization that supplies goods or 40440  
services to a provider shall not be considered a related party if 40441  
all of the following conditions are met: 40442

(a) The supplier is a separate bona fide organization. 40443

(b) A substantial part of the supplier's business activity of 40444  
the type carried on with the provider is transacted with others 40445  
than the provider and there is an open, competitive market for the 40446  
types of goods or services the supplier furnishes. 40447

(c) The types of goods or services are commonly obtained by 40448  
other ICFs/IID from outside organizations and are not a basic 40449  
element of resident care ordinarily furnished directly to 40450  
residents by the ICFs/IID. 40451

(d) The charge to the provider is in line with the charge for 40452  
the goods or services in the open market and no more than the 40453  
charge made under comparable circumstances to others by the 40454  
supplier. 40455

~~(VV)~~(UU) "Relative of owner" means an individual who is 40456  
related to an owner of an ICF/IID by one of the following 40457  
relationships: 40458

(1) Spouse; 40459

(2) Natural parent, child, or sibling; 40460

(3) Adopted parent, child, or sibling; 40461

(4) Stepparent, stepchild, stepbrother, or stepsister; 40462

(5) Father-in-law, mother-in-law, son-in-law, 40463  
daughter-in-law, brother-in-law, or sister-in-law; 40464

(6) Grandparent or grandchild; 40465

(7) Foster caregiver, foster child, foster brother, or foster 40466  
sister. 40467

~~(WW)~~(VV) For the purpose of determining an ICF/IID's per 40468  
medicaid day capital component rate under section 5124.17 of the 40469  
Revised Code, "renovation" means an ICF/IID's betterment, 40470  
improvement, or restoration, other than an addition, through a 40471  
capital expenditure. 40472

~~(XX)(1) For the purpose of determining an ICF/IID's per 40473  
medicaid day payment rate for reasonable capital costs under 40474  
section 5124.171 of the Revised Code, "renovation" means the 40475  
following: 40476~~

~~(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:~~ 40477  
40478

~~(i) It was started before July 1, 1993.~~ 40479

~~(ii) It meets the definition of "renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.~~ 40480  
40481  
40482

~~(b) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:~~ 40483  
40484

~~(i) It was started on or after July 1, 1993.~~ 40485

~~(ii) It betters, improves, or restores the ICF/IID beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed.~~ 40486  
40487  
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~~(2) For the purpose of division (XX)(1) of this section, a renovation started on or after July 1, 1993, may include both of the following:~~ 40489  
40490  
40491

~~(a) A betterment, improvement, restoration, or replacement of assets that are affixed to a building and have a useful life of at least five years:~~ 40492  
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~~(b) Costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project.~~ 40495  
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~~(3) For the purpose of division (XX)(1) of this section, "renovation" does not mean construction of additional space for beds that will be added to an ICF/IID's licensed capacity or medicaid-certified capacity.~~ 40498  
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~~(YY)(WW)~~ "Residential facility" has the same meaning as in section 5123.19 of the Revised Code. 40502  
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~~(ZZ)(XX)~~ "Secondary building" means a building or part of a building, other than an ICF/IID, in which the owner of one or more ICFs/IID has administrative work regarding the ICFs/IID performed 40504  
40505  
40506

or records regarding the ICFs/IID stored. 40507

~~(AAA)~~(YY) "Sponsor" means an adult relative, friend, or 40508  
guardian of an ICF/IID resident who has an interest or 40509  
responsibility in the resident's welfare. 40510

~~(BBB)~~(ZZ) "Title XIX" means Title XIX of the "Social Security 40511  
Act," 42 U.S.C. 1396, et seq. 40512

~~(CCC)~~(AAA) "Title XVIII" means Title XVIII of the "Social 40513  
Security Act," 42 U.S.C. 1395, et seq. 40514

~~(DDD)~~(BBB) "Voluntary termination" means an operator's 40515  
voluntary election to terminate the participation of an ICF/IID in 40516  
the medicaid program but to continue to provide service of the 40517  
type provided by a residential facility as defined in section 40518  
5123.19 of the Revised Code. 40519

**Sec. 5124.101.** (A) The provider of an ICF/IID in peer group 40520  
~~1-A1~~, peer group ~~2-A2~~, peer group ~~3-A3~~, or peer group ~~4-A~~, ~~peer~~ 40521  
~~group 1-B~~, ~~or peer group 2-B~~ 4 that becomes a downsized ICF/IID or 40522  
partially converted ICF/IID on or after July 1, 2013, or becomes a 40523  
new ICF/IID on or after that date, may file with the department of 40524  
developmental disabilities a cost report covering the period 40525  
specified in division (B) of this section if the following applies 40526  
to the ICF/IID: 40527

(1) In the case of an ICF/IID that becomes a downsized 40528  
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 40529  
the following on the day it becomes a downsized ICF/IID or 40530  
partially converted ICF/IID: 40531

(a) A medicaid-certified capacity that is at least ten per 40532  
cent less than its medicaid-certified capacity on the day 40533  
immediately preceding the day it becomes a downsized ICF/IID or 40534  
partially converted ICF/IID; 40535

(b) At least five fewer beds certified as ICF/IID beds than 40536

it has on the day immediately preceding the day it becomes a 40537  
downsized ICF/IID or partially converted ICF/IID. 40538

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 40539  
a downsized ICF/IID and the downsized ICF/IID has either of the 40540  
following on the day it becomes a downsized ICF/IID: 40541

(a) A medicaid-certified capacity that is at least ten per 40542  
cent less than its medicaid-certified capacity on the day 40543  
immediately preceding the day it becomes a downsized ICF/IID; 40544

(b) At least five fewer beds certified as ICF/IID beds than 40545  
it has on the day immediately preceding the day it becomes a 40546  
downsized ICF/IID. 40547

(B) A cost report filed under division (A) of this section 40548  
shall cover the period that begins and ends as follows: 40549

(1) In the case of an ICF/IID that becomes a downsized 40550  
ICF/IID or partially converted ICF/IID: 40551

(a) The period begins with the day that the ICF/IID becomes a 40552  
downsized ICF/IID or partially converted ICF/IID. 40553

(b) The period ends on the last day of the last month of the 40554  
first three full months of operation as a downsized ICF/IID or 40555  
partially converted ICF/IID. 40556

(2) In the case of a new ICF/IID: 40557

(a) The period begins with the day that the provider 40558  
agreement for the ICF/IID takes effect. 40559

(b) The period ends on the last day of the last month of the 40560  
first three full months that the provider agreement is in effect. 40561

(C)(1) If the department accepts a cost report filed under 40562  
division (A) of this section for an ICF/IID that becomes a 40563  
downsized ICF/IID or partially converted ICF/IID on or before the 40564  
first day of October of a calendar year, the provider also shall 40565  
do both of the following: 40566

(a) File with the department a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code; 40567  
40568  
40569

(b) File with the department another cost report for the ICF/IID that covers the portion of the initial calendar year that the ICF/IID operated as a downsized ICF/IID or partially converted ICF/IID. 40570  
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(2) If the department accepts a cost report filed under division (A) of this section for an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID after the first day of October of a calendar year, the provider is not required to file a cost report that covers that calendar year in accordance with division (A) of section 5124.10 of the Revised Code. Instead, the provider shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code covering the immediately following calendar year. 40574  
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(3) If the department accepts a cost report filed under division (A) of this section for a new ICF/IID that has a provider agreement that takes effect on or before the first day of October of a calendar year, the provider also shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code covering the portion of that calendar year that the provider agreement was in effect. 40583  
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(4) If the department accepts a cost report filed under division (A) of this section for a new ICF/IID that has a provider agreement that takes effect after the first day of October of a calendar year, the provider is not required to file a cost report that covers that calendar year in accordance with division (A) of section 5124.10 of the Revised Code. The provider shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code covering the immediately following calendar year. 40590  
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(D) The department shall refuse to accept a cost report filed under division (A) or (C)(1)(b) of this section if either of the following apply:

(1) Except as provided in division (E) of section 5124.10 of the Revised Code, the provider fails to file the cost report with the department not later than ninety days after the last day of the period the cost report covers;

(2) The cost report is incomplete or inadequate.

(E) If the department accepts a cost report filed under division (A) or (C)(1)(b) of this section, the department shall use that cost report, rather than the cost report that otherwise would be used pursuant to section 5124.17, ~~5124.171~~, 5124.19, ~~5124.195~~, 5124.21, ~~5124.211~~, or 5124.23, ~~or 5124.231~~ of the Revised Code, to determine the ICF/IID's medicaid payment rate in accordance with this chapter for ICF/IID services the ICF/IID provides during the period that begins and ends as follows:

(1) For a cost report filed under division (A) of this section, the period begins on the following:

(a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:

(i) The day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if that day is the first day of a month;

(ii) The first day of the month immediately following the month that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if division (E)(1)(a)(i) of this section does not apply.

(b) In the case of a new ICF/IID, the day that the ICF/IID's provider agreement takes effect.

(2) For a cost report filed under division (A) of this

section, the period ends on the following: 40629

(a) In the case of an ICF/IID that becomes a downsized 40630  
ICF/IID or partially converted ICF/IID: 40631

(i) The last day of the fiscal year that immediately precedes 40632  
the fiscal year for which the ICF/IID is paid a rate determined 40633  
using a cost report filed under division (C)(1)(b) of this section 40634  
if the ICF/IID became a downsized ICF/IID or partially converted 40635  
ICF/IID on or before the first day of October of a calendar year; 40636

(ii) The last day of the fiscal year that immediately 40637  
precedes the fiscal year for which the ICF/IID begins to be paid a 40638  
rate determined using a cost report that division (C)(2) of this 40639  
section requires be filed in accordance with division (A) of 40640  
section 5124.10 of the Revised Code if the ICF/IID became a 40641  
downsized ICF/IID or partially converted ICF/IID after the first 40642  
day of October of a calendar year. 40643

(b) In the case of a new ICF/IID, the last day of the fiscal 40644  
year that immediately precedes the fiscal year for which the 40645  
ICF/IID begins to be paid a rate determined using a cost report 40646  
that division (C)(3) or (4) of this section requires be filed in 40647  
accordance with division (A) of section 5124.10 of the Revised 40648  
Code. 40649

(3) For a cost report filed under division (C)(1)(b) of this 40650  
section, the period begins on the day immediately following the 40651  
day specified in division (E)(2)(a)(i) of this section. 40652

(4) For a cost report filed under division (C)(1)(b) of this 40653  
section, the period ends on the last day of the fiscal year that 40654  
immediately precedes the fiscal year for which the ICF/IID begins 40655  
to be paid a rate determined using the cost report filed with the 40656  
department in accordance with division (A) of section 5124.10 of 40657  
the Revised Code that covers the calendar year that immediately 40658  
follows the initial calendar year that the ICF/IID operated as a 40659

downsized ICF/IID or partially converted ICF/IID. 40660

~~(F) If the department accepts a cost report filed under 40661  
division (A) or (C)(1)(b) of this section by the provider of a 40662  
downsized ICF/IID or partially converted ICF/IID, the following 40663  
modifications shall be made for the purpose of determining the 40664  
medicaid payment rate for ICF/IID services the ICF/IID provides 40665  
during the period specified in division (E) of this section: 40666~~

~~(1) In place of the quarterly case\_mix score otherwise used 40667  
in determining the ICF/IID's per medicaid day direct care costs 40668  
component rate under division (A) of section 5124.19 of the 40669  
Revised Code, the ICF/IID's case\_mix score in effect on the last 40670  
day of the calendar quarter that ends during the period the cost 40671  
report covers (or, if more than one calendar quarter ends during 40672  
that period, the last of those calendar quarters) shall be used to 40673  
determine the ICF/IID's per medicaid day direct care costs 40674  
component rate if the department accepts a cost report filed under 40675  
division (A) or (C)(1)(b) of this section by the provider of a 40676  
downsized ICF/IID or partially converted ICF/IID. 40677~~

~~(2) In place of the annual average casemix score otherwise 40678  
used in determining the ICF/IID's per medicaid day payment rate 40679  
for direct care costs under division (A) of section 5124.195 of 40680  
the Revised Code, the ICF/IID's casemix score in effect on the 40681  
last day of the calendar quarter that ends during the period the 40682  
cost report covers (or, if more than one calendar quarter ends 40683  
during that period, the last of those calendar quarters) shall be 40684  
used to determine the ICF/IID's per medicaid day payment rate for 40685  
direct care costs. 40686~~

~~(3) The ICF/IID shall not be subject to the limit on the 40687  
costs of ownership per diem payment rate specified in divisions 40688  
(B) and (C) of section 5124.171 of the Revised Code. 40689~~

~~(4) The ICF/IID shall not be subject to the limit on the 40690~~

~~payment rate for per diem capitalized costs of nonextensive 40691  
renovations specified in division (E)(1) of section 5124.171 of 40692  
the Revised Code. 40693~~

~~(5) The ICF/IID shall be subject to the limit on the total 40694  
payment rate for costs of ownership, capitalized costs of 40695  
nonextensive renovations, and the efficiency incentive specified 40696  
in division (H) of section 5124.171 of the Revised Code regardless 40697  
of whether the ICF/IID is in peer group 1 B or peer group 2 B. 40698~~

**Sec. 5124.15.** (A) Except as otherwise provided by section 40699  
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the 40700  
Revised Code, and divisions ~~(D)~~(B) and ~~(E)~~(C) of this section, the 40701  
total per medicaid day payment rate that the department of 40702  
developmental disabilities shall pay to an ICF/IID provider for 40703  
ICF/IID services the provider's ICF/IID provides during a fiscal 40704  
year shall equal the sum of all of the following: 40705

~~(1) Until July 1, 2021, the greater of the total per medicaid 40706  
day payment rates determined under divisions (B) and (C) of this 40707  
section; 40708~~

~~(2) Beginning July 1, 2021, the total per medicaid day 40709  
payment rate determined under division (B) of this section. 40710~~

~~(B) The total per medicaid day payment rate determined under 40711  
this division is the sum of all of the following: 40712~~

~~(1) The per medicaid day capital component rate determined 40713  
for the ICF/IID under section 5124.17 of the Revised Code; 40714~~

~~(2) The per medicaid day direct care costs component rate 40715  
determined for the ICF/IID under section 5124.19 of the Revised 40716  
Code; 40717~~

~~(3) The per medicaid day indirect care costs component rate 40718  
determined for the ICF/IID under section 5124.21 of the Revised 40719  
Code; 40720~~

(4) The per medicaid day other protected costs component rate	40721
determined for the ICF/IID under section 5124.23 of the Revised	40722
Code;	40723
(5) <del>Until July 1, 2021, a direct support personnel payment</del>	40724
<del>equal to three and four hundredths per cent of the ICF/IID's</del>	40725
<del>desk reviewed, actual, allowable, per medicaid day direct care</del>	40726
<del>costs from the applicable cost report year;</del>	40727
<del>(6) Beginning July 1, 2021, the</del> <u>The</u> sum of the following:	40728
(a) The per medicaid day quality incentive payment determined	40729
for the ICF/IID under section 5124.24 of the Revised Code;	40730
(b) A direct support personnel payment equal to two and	40731
four-hundredths per cent of the ICF/IID's desk-reviewed, actual,	40732
allowable, per medicaid day direct care costs from the applicable	40733
cost report year.	40734
<del>(C) The total per medicaid day payment rate determined under</del>	40735
<del>this division is the sum of all of the following:</del>	40736
<del>(1) The per medicaid day payment rate for capital costs</del>	40737
<del>determined for the ICF/IID under section 5124.171 of the Revised</del>	40738
<del>Code;</del>	40739
<del>(2) The per medicaid day payment rate for direct care costs</del>	40740
<del>determined for the ICF/IID under section 5124.195 of the Revised</del>	40741
<del>Code;</del>	40742
<del>(3) The per medicaid day payment rate for indirect care costs</del>	40743
<del>determined for the ICF/IID under section 5124.211 of the Revised</del>	40744
<del>Code;</del>	40745
<del>(4) The per medicaid day payment rate for other protected</del>	40746
<del>costs determined for the ICF/IID under section 5124.231 of the</del>	40747
<del>Revised Code;</del>	40748
<del>(5) A direct support personnel payment equal to three and</del>	40749
<del>four hundredths per cent of the ICF/IID's desk reviewed, actual,</del>	40750

~~allowable, per medicaid day direct care costs from the applicable  
cost report year.~~ 40751  
40752

~~(D)(B)~~ The total per medicaid day payment rate for ~~the~~ 40753  
~~following an ICF/IID that is in peer group 5~~ shall not exceed the 40754  
average total per medicaid day payment rate in effect on July 1, 40755  
2013, for developmental centers. 40756

~~(1) An ICF/IID that is in peer group 5-A for the purpose of~~ 40757  
~~the total per medicaid day payment rate determined under division~~ 40758  
~~(B) of this section;~~ 40759

~~(2) An ICF/IID that is in peer group 3-B for the purpose of~~ 40760  
~~the total per medicaid day payment rate determined under division~~ 40761  
~~(C) of this section.~~ 40762

~~(E)(C)~~ The department shall adjust the total per medicaid day 40763  
payment rate otherwise determined for an ICF/IID under ~~divisions~~ 40764  
~~(B) and (C)~~ of this section as directed by the general assembly 40765  
through the enactment of law governing medicaid payments to 40766  
ICF/IID providers. 40767

~~(F)(1)(D)(1)~~ In addition to paying an ICF/IID provider the 40768  
total per medicaid day payment rate determined for the provider's 40769  
ICF/IID under divisions (A), (B), and (C), ~~(D)~~, and ~~(E)~~ of this 40770  
section for a fiscal year, the department may do either or both of 40771  
the following: 40772

(a) In accordance with section 5124.25 of the Revised Code, 40773  
pay the provider a rate add-on for ventilator-dependent outlier 40774  
ICF/IID services if the rate add-on is to be paid under that 40775  
section and the department approves the provider's application for 40776  
the rate add-on; 40777

(b) In accordance with section 5124.26 of the Revised Code, 40778  
pay the provider for outlier ICF/IID services the ICF/IID provides 40779  
to residents identified as needing intensive behavioral health 40780  
support services if the rate add-on is to be paid under that 40781

section and the department approves the provider's application for 40782  
the rate add-on. 40783

(2) The rate add-ons are not to be part of the ICF/IID's 40784  
total per medicaid day payment rate. 40785

**Sec. 5124.151.** (A) The total per medicaid day payment rate 40786  
determined under section 5124.15 of the Revised Code shall not be 40787  
the initial rate for ICF/IID services provided by a new ICF/IID. 40788  
Instead, the initial total per medicaid day payment rate for 40789  
ICF/IID services provided by a new ICF/IID shall be determined in 40790  
accordance with this section. 40791

(B) The initial total per medicaid day payment rate for 40792  
ICF/IID services provided by a new ICF/IID, other than an ICF/IID 40793  
in peer group ~~5-A5~~, shall be determined in the following manner: 40794

(1) The initial per medicaid day capital component rate shall 40795  
be the median per medicaid day capital component rate for the 40796  
ICF/IID's peer group for the fiscal year. 40797

(2) The initial per medicaid day direct care costs component 40798  
rate shall be determined as follows: 40799

(a) If there are no cost or resident assessment data for the 40800  
new ICF/IID as necessary to determine a rate under section 5124.19 40801  
of the Revised Code, the rate shall be determined as follows: 40802

(i) Determine the median cost per case-mix unit under 40803  
division (B) of section 5124.19 of the Revised Code for the new 40804  
ICF/IID's peer group for the applicable cost report year; 40805

(ii) Multiply the amount determined under division 40806  
(B)(2)(a)(i) of this section by the median annual average case-mix 40807  
score for the new ICF/IID's peer group for that period; 40808

(iii) Adjust the product determined under division 40809  
(B)(2)(a)(ii) of this section by the rate of inflation estimated 40810  
under division (D) of section 5124.19 of the Revised Code. 40811

(b) If the new ICF/IID is a replacement ICF/IID and the 40812  
ICF/IID or ICFs/IID that are being replaced are in operation 40813  
immediately before the new ICF/IID opens, the rate shall be the 40814  
same as the rate for the replaced ICF/IID or ICFs/IID, 40815  
proportionate to the number of ICF/IID beds in each replaced 40816  
ICF/IID. 40817

(c) If the new ICF/IID is a replacement ICF/IID and the 40818  
ICF/IID or ICFs/IID that are being replaced are not in operation 40819  
immediately before the new ICF/IID opens, the rate shall be 40820  
determined under division (B)(2)(a) of this section. 40821

(3) The initial per medicaid day indirect care costs 40822  
component rate shall be the maximum rate for the new ICF/IID's 40823  
peer group as determined for the fiscal year in accordance with 40824  
division (C) of section 5124.21 of the Revised Code. 40825

(4) The initial per medicaid day other protected costs 40826  
component rate shall be one hundred fifteen per cent of the median 40827  
rate for ICFs/IID determined for the fiscal year under section 40828  
5124.23 of the Revised Code. 40829

(C) The initial total medicaid day payment rate for ICF/IID 40830  
services provided by a new ICF/IID in peer group ~~5-A5~~ shall be 40831  
determined in the following manner: 40832

(1) The initial per medicaid day capital component rate shall 40833  
be \$29.61. 40834

(2) The initial per medicaid day direct care costs component 40835  
rate shall be \$264.89. 40836

(3) The initial per medicaid day indirect care costs 40837  
component rate shall be \$59.85. 40838

(4) The initial per medicaid day other protected costs 40839  
component rate shall be \$25.99. 40840

(D)(1) Except as provided in division (D)(2) of this section, 40841

the department of developmental disabilities shall adjust a new 40842  
ICF/IID's initial total per medicaid day payment rate determined 40843  
under this section effective the first day of July, to reflect new 40844  
rate determinations for all ICFs/IID under this chapter. 40845

(2) If the department accepts, under division (A) of section 40846  
5124.101 of the Revised Code, a cost report filed by the provider 40847  
of a new ICF/IID, the department shall adjust the ICF/IID's 40848  
initial total per medicaid day payment rate in accordance with 40849  
divisions (E) and (F) of that section rather than division (D)(1) 40850  
of this section. 40851

**Sec. 5124.152.** (A) The total per medicaid day payment rate 40852  
determined under section 5124.15 of the Revised Code shall not be 40853  
paid for ICF/IID services provided by an ICF/IID, or discrete unit 40854  
of an ICF/IID, designated by the department of developmental 40855  
disabilities as an outlier ICF/IID or unit. Instead, the provider 40856  
of a designated outlier ICF/IID or unit shall be paid each fiscal 40857  
year a total per medicaid day payment rate that the department 40858  
shall prospectively determine in accordance with a methodology 40859  
established in rules authorized by this section. 40860

(B) The department may designate an ICF/IID, or discrete unit 40861  
of an ICF/IID, as an outlier ICF/IID or unit if the ICF/IID or 40862  
unit serves residents who have either of the following: 40863

(1) Diagnoses or special care needs that require direct care 40864  
resources that are not measured adequately by the resident 40865  
assessment instrument specified in rules authorized by ~~sections~~ 40866  
section 5124.191 and ~~5124.196~~ of the Revised Code; 40867

(2) Diagnoses or special care needs that are specified in 40868  
rules authorized by this section as otherwise qualifying for 40869  
consideration under this section. 40870

(C) Notwithstanding any other provision of this chapter, the 40871

costs incurred by a designated outlier ICF/IID or unit shall not 40872  
be considered in establishing medicaid payment rates for other 40873  
ICFs/IID or units. 40874

(D) The director of developmental disabilities shall adopt 40875  
rules under section 5124.03 of the Revised Code as necessary to 40876  
implement this section. 40877

(1)(a) The rules shall do both of the following: 40878

(i) Specify the criteria and procedures the department will 40879  
apply when designating an ICF/IID, or discrete unit of an ICF/IID, 40880  
as an outlier ICF/IID or unit; 40881

(ii) Establish a methodology for prospectively determining 40882  
the total per medicaid day payment rate that will be paid each 40883  
fiscal year for ICF/IID services provided by a designated outlier 40884  
ICF/IID or unit. 40885

(b) The rules adopted under division (D)(1)(a)(i) of this 40886  
section regarding the criteria for designating outlier ICFs/IID 40887  
and units shall do both of the following: 40888

(i) Provide for consideration of whether all of the allowable 40889  
costs of an ICF/IID, or discrete unit of an ICF/IID, would be paid 40890  
by the rate determined under section 5124.15 of the Revised Code; 40891

(ii) Specify the minimum number of ICF/IID beds that an 40892  
ICF/IID, or discrete unit of an ICF/IID, must have to be 40893  
designated an outlier ICF/IID or unit. 40894

(c) The rules authorized by division (D)(1)(a)(i) of this 40895  
section regarding the criteria for designating outlier ICFs/IID 40896  
and units shall not limit the designation to ICFs/IID, or discrete 40897  
units of ICFs/IID, located in large cities. 40898

(d) The rules authorized by division (D)(1)(a)(ii) of this 40899  
section regarding the methodology for prospectively determining 40900  
the rates of designated outlier ICFs/IID and units shall provide 40901

for the methodology to consider the historical costs of providing 40902  
ICF/IID services to the residents of designated outlier ICFs/IID 40903  
and units. 40904

(2)(a) The rules may do both of the following: 40905

(i) Include for designation as an outlier ICF/IID or unit, an 40906  
ICF/IID, or discrete unit of an ICF/IID, that serves residents who 40907  
have complex medical conditions or severe behavioral problems; 40908

(ii) Require that a designated outlier ICF/IID or unit 40909  
receive authorization from the department before admitting or 40910  
retaining a resident. 40911

(b) If the director adopts rules authorized by division 40912  
(D)(2)(a)(ii) of this section regarding the authorization of a 40913  
designated outlier ICF/IID or unit to admit or retain a resident, 40914  
the rules shall specify the criteria and procedures the department 40915  
will apply when granting the authorization. 40916

**Sec. 5124.17.** (A) For each fiscal year, the department of 40917  
developmental disabilities shall determine each ICF/IID's per 40918  
medicaid day capital component rate. An ICF/IID's rate for a 40919  
fiscal year shall equal the sum of the following: 40920

(1) The lesser of the following: 40921

(a) The sum of all of the following: 40922

(i) The ICF/IID's per diem fair rental value rate for the 40923  
fiscal year as determined under division (B) of this section; 40924

(ii) The ICF/IID's per diem equipment rate for the fiscal 40925  
year as determined under division (D) of this section; 40926

(iii) The ICF/IID's per diem secondary building rate for the 40927  
fiscal year as determined under division (E) of this section. 40928

(b) The sum determined for the fiscal year under division (G) 40929  
of this section. 40930

(2) The ICF/IID's per diem nonextensive renovation rate for the fiscal year as determined under division (H) of this section.	40931 40932
(B) An ICF/IID's per diem fair rental value rate for a fiscal year is the quotient of the following:	40933 40934
(1) The ICF/IID's fair rental value as determined under division (C) of this section;	40935 40936
(2) The greater of the following:	40937
(a) The number of the ICF/IID's inpatient days for the applicable cost report year;	40938 40939
(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	40940 40941 40942
(C)(1) An ICF/IID's fair rental value is the product of the following:	40943 40944
(a) The sum of the following:	40945
(i) The ICF/IID's depreciated current asset value as determined under division (C)(2) of this section;	40946 40947
(ii) The ICF/IID's land value as determined under division (C)(10) of this section.	40948 40949
(b) Eleven per cent.	40950
(2) An ICF/IID's depreciated current asset value is its current asset value, as determined under division (C)(3) of this section, depreciated by the product of the following:	40951 40952 40953
(a) The ICF/IID's effective age as determined under division (C)(5) of this section;	40954 40955
(b) One and six-tenths per cent.	40956
(3) An ICF/IID's current asset value is the product of the following:	40957 40958

(a) The ICF/IID's value per square foot as determined under 40959  
division (C)(4) of this section; 40960

(b) The lesser of the ICF/IID's square footage and the 40961  
following: 40962

(i) If the ICF/IID is in peer group ~~1-A1~~ and is a downsized 40963  
ICF/IID, its medicaid-certified capacity on the last day of the 40964  
applicable cost report year multiplied by one thousand; 40965

(ii) If the ICF/IID is in peer group ~~1-A1~~ and is not a 40966  
downsized ICF/IID, its medicaid-certified capacity on the last day 40967  
of the applicable cost report year multiplied by five hundred 40968  
fifty; 40969

(iii) If the ICF/IID is in peer group ~~2-A2~~ and is a downsized 40970  
ICF/IID, its medicaid-certified capacity on the last day of the 40971  
applicable cost report year multiplied by one thousand; 40972

(iv) If the ICF/IID is in peer group ~~2-A2~~ and is not a 40973  
downsized ICF/IID, its medicaid-certified capacity on the last day 40974  
of the applicable cost report year multiplied by seven hundred 40975  
fifty; 40976

(v) If the ICF/IID is in peer group ~~3-A3~~, its 40977  
medicaid-certified capacity on the last day of the applicable cost 40978  
report year multiplied by eight hundred fifty; 40979

(vi) If the ICF/IID is in peer group ~~4-A4~~ or peer group ~~5-A5~~, 40980  
its medicaid-certified capacity on the last day of the applicable 40981  
cost report year multiplied by nine hundred. 40982

(4)(a) An ICF/IID's value per square foot shall be determined 40983  
by using the version of the following RS means data that was most 40984  
recently published at the time the determination is made: 40985

(i) If the ICF/IID is in peer group ~~1-A1~~ or peer group ~~2-A2~~, 40986  
the RS means data for assisted-senior living facility construction 40987  
costs; 40988

- (ii) If the ICF/IID is in peer group ~~3-A3~~, peer group ~~4-A4~~, 40989  
or peer group ~~5-A5~~, the RS means data for nursing home 40990  
construction costs. 40991
- (b) Except as provided in division (C)(4)(c) of this section, 40992  
in determining an ICF/IID's value per square foot, the following 40993  
modifier shall be used: 40994
- (i) If the ICF/IID is located in Summit county, the modifier 40995  
specified in the applicable RS means data for Akron; 40996
- (ii) If the ICF/IID is located in Athens county, the modifier 40997  
specified in the applicable RS means data for Athens; 40998
- (iii) If the ICF/IID is located in Ashtabula, Geauga, Lake, 40999  
Medina, Portage, Stark, Trumbull, or Wayne county, the modifier 41000  
specified in the applicable RS means data for Canton; 41001
- (iv) If the ICF/IID is located in Ross county, the modifier 41002  
specified in the applicable RS means data for Chillicothe; 41003
- (v) If the ICF/IID is located in Hamilton county, the 41004  
modifier specified in the applicable RS means data for Cincinnati; 41005
- (vi) If the ICF/IID is located in Cuyahoga county, the 41006  
modifier specified in the applicable RS means data for Cleveland; 41007
- (vii) If the ICF/IID is located in Franklin county, the 41008  
modifier specified in the applicable RS means data for Columbus; 41009
- (viii) If the ICF/IID is located in Montgomery county, the 41010  
modifier specified in the applicable RS means data for Dayton; 41011
- (ix) If the ICF/IID is located in Brown, Butler, Clermont, 41012  
Clinton, Champaign, Darke, Greene, Logan, Miami, Preble, Shelby, 41013  
or Warren county, the modifier specified in the applicable RS 41014  
means data for Hamilton; 41015
- (x) If the ICF/IID is located in Allen, Auglaize, Defiance, 41016  
Erie, Fulton, Hancock, Henry, Huron, Mercer, Paulding, Putnam, 41017  
Ottawa, Sandusky, Seneca, Van Wert, Williams, or Wood county, the 41018

modifier specified in the applicable RS means data for Lima;	41019
(xi) If the ICF/IID is located in Lorain county, the modifier specified in the applicable RS means data for Lorain;	41020 41021
(xii) If the ICF/IID is located in Ashland, Crawford, Delaware, Fairfield, Fayette, Hardin, Knox, Licking, Madison, Morrow, Pickaway, Richland, Union, or Wyandot county, the modifier specified in the applicable RS means data for Mansfield;	41022 41023 41024 41025
(xiii) If the ICF/IID is located in Marion county, the modifier specified in the applicable RS means data for Marion;	41026 41027
(xiv) If the ICF/IID is located in Clark county, the modifier specified in the applicable RS means data for Springfield;	41028 41029
(xv) If the ICF/IID is located in Jefferson county, the modifier specified in the applicable RS means data for Steubenville;	41030 41031 41032
(xvi) If the ICF/IID is located in Lucas county, the modifier specified in the applicable RS means data for Toledo;	41033 41034
(xvii) If the ICF/IID is located in Mahoning county, the modifier specified in the applicable RS means data for Youngstown;	41035 41036
(xviii) If the ICF/IID is located in Adams, Belmont, Carroll, Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Scioto, Tuscarawas, Vinton, or Washington county, the modifier specified in the applicable RS means data for Zanesville.	41037 41038 41039 41040 41041 41042
(c) If a modifier ceases to be specified in the applicable RS means data for a city listed in division (C)(4)(b) of this section, the director of developmental disabilities shall specify in rules adopted under section 5124.03 of the Revised Code a different modifier for the counties that are affected by the change.	41043 41044 41045 41046 41047 41048

(5) An ICF/IID's effective age shall be determined as follows:	41049 41050
(a) Determine the sum of the numbers of the ICF/IID's new bed equivalents for renovations for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(7)(a) of this section;	41051 41052 41053 41054 41055
(b) Determine the sum of the numbers of the ICF/IID's new bed equivalents for additions that do not increase the ICF/IID's medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(8)(a) of this section;	41056 41057 41058 41059 41060 41061
(c) Determine the sum of the numbers of the ICF/IID's new beds resulting from additions that increase the ICF/IID's medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(9)(a) of this section;	41062 41063 41064 41065 41066 41067
(d) Determine the sum of the sums determined under divisions (C)(5)(a), (b), and (c) of this section;	41068 41069
(e) Determine the difference of the following:	41070
(i) The ICF/IID's medicaid-certified capacity on the last day of the applicable cost report year;	41071 41072
(ii) The lesser of the amount specified in division (C)(5)(e)(i) of this section and the sum determined under division (C)(5)(d) of this section.	41073 41074 41075
(f) For the purpose of determining the weighted age of the ICF/IID's original beds, determine the product of the following:	41076 41077
(i) The difference determined under division (C)(5)(e) of	41078

this section;	41079
(ii) The ICF/IID's age as determined under division (C)(6) of this section.	41080 41081
(g) Determine the sum of the weighted ages of the ICF/IID's new bed equivalents for renovations for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(7)(c) of this section;	41082 41083 41084 41085 41086
(h) Determine the sum of the weighted ages of the ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(8)(d) of this section;	41087 41088 41089 41090 41091 41092
(i) Determine the sum of the weighted ages of the ICF/IID's new beds resulting from additions that increase its medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for that period and each of those years under division (C)(9)(b) of this section;	41093 41094 41095 41096 41097 41098
(j) Determine the sum of the following:	41099
(i) The product determined under division (C)(5)(f) of this section;	41100 41101
(ii) The sum of the sums determined under divisions (C)(5)(g), (h), and (i) of this section.	41102 41103
(k) Determine the quotient of the following:	41104
(i) The sum determined under division (C)(5)(j) of this section;	41105 41106
(ii) The ICF/IID's medicaid-certified capacity on the last day of the applicable cost report year.	41107 41108

(6) An ICF/IID's age is the lesser of the following:	41109
(a) The difference between the following:	41110
(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;	41111 41112 41113
(ii) The calendar year in which the ICF/IID was initially constructed.	41114 41115
(b) Forty.	41116
(7)(a) The number, for a year, of an ICF/IID's new bed equivalents for renovations is the quotient of the following:	41117 41118
(i) The ICF/IID's desk-reviewed, actual, allowable renovation costs for the year;	41119 41120
(ii) Seventy thousand dollars.	41121
(b) The age of an ICF/IID's new bed equivalents for renovations is the difference of the following:	41122 41123
(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;	41124 41125 41126
(ii) The calendar year the renovations were completed.	41127
(c) The weighted age, for a year, of an ICF/IID's new bed equivalents for renovations is the product of the following:	41128 41129
(i) The number, for that year, of the ICF/IID's new bed equivalents for renovations as determined under division (C)(7)(a) of this section;	41130 41131 41132
(ii) The age of those new bed equivalents as determined under division (C)(7)(b) of this section.	41133 41134
(8)(a) The number, for a year, of an ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity is the quotient of the following:	41135 41136 41137

(i) The value of such additions made to the ICF/IID that year	41138
as determined under division (C)(8)(b) of this section;	41139
(ii) Seventy thousand dollars.	41140
(b) The value of additions that do not increase an ICF/IID's	41141
medicaid-certified capacity is the product of the following:	41142
(i) The total square footage of the additions;	41143
(ii) The ICF/IID's value per square foot as determined under	41144
division (C)(4) of this section.	41145
(c) The age of an ICF/IID's new bed equivalents for additions	41146
that do not increase its medicaid-certified capacity is the	41147
difference of the following:	41148
(i) The calendar year in which occurs the last day of the	41149
period covered by the cost report being used to determine the	41150
ICF/IID's rate under this section;	41151
(ii) The calendar year the additions were completed.	41152
(d) The weighted age, for a year, of an ICF/IID's new bed	41153
equivalents for additions that do not increase its	41154
medicaid-certified capacity is the product of the following:	41155
(i) The number, for that year, of the ICF/IID's new bed	41156
equivalents for such additions as determined under division	41157
(C)(8)(a) of this section;	41158
(ii) The age of those new bed equivalents as determined under	41159
division (C)(8)(c) of this section.	41160
(9)(a) The number, for a year, of new beds resulting from	41161
additions that increase an ICF/IID's medicaid-certified capacity	41162
is the number by which the new beds increased the ICF/IID's	41163
medicaid-certified capacity that year.	41164
(b) The weighted age, for a year, of new beds resulting from	41165
additions that increase an ICF/IID's medicaid-certified capacity	41166

is the product of the following: 41167

(i) The number by which those new beds increased the 41168  
ICF/IID's medicaid-certified capacity that year; 41169

(ii) The difference of the calendar year in which occurs the 41170  
last day of the period covered by the cost report being used to 41171  
determine the ICF/IID's rate under this section and the calendar 41172  
year the ICF/IID's medicaid-certified capacity was so increased. 41173

(10) An ICF/IID's land value is the product of the following: 41174

(a) The ICF/IID's current asset value as determined under 41175  
division (C)(3) of this section; 41176

(b) Ten per cent. 41177

(D) An ICF/IID's per diem equipment rate for a fiscal year 41178  
shall be the lesser of the following: 41179

(1) The quotient of the following: 41180

(a) The ICF/IID's costs for capital equipment for the 41181  
applicable cost report year; 41182

(b) The greater of the following: 41183

(i) The number of the ICF/IID's inpatient days for the 41184  
applicable cost report year; 41185

(ii) The number of inpatient days the ICF/IID would have had 41186  
during the applicable cost report year if its occupancy rate had 41187  
been ninety-two per cent that year. 41188

(2) The following amount: 41189

(a) If the ICF/IID is in peer group ~~1-A1~~, five dollars; 41190

(b) If the ICF/IID is in peer group ~~2-A2~~, six dollars and 41191  
fifty cents; 41192

(c) If the ICF/IID is in peer group ~~3-A3~~, eight dollars; 41193

(d) If the ICF/IID is in peer group ~~4-A~~ 4 or peer group ~~5-A5~~, 41194

nine dollars.	41195
(E) An ICF/IID's per diem secondary building rate for a fiscal year is the quotient of the following:	41196 41197
(1) The ICF/IID's secondary building value as determined under division (F) of this section;	41198 41199
(2) The greater of the following:	41200
(a) The number of the ICF/IID's inpatient days for the applicable cost report year;	41201 41202
(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	41203 41204 41205
(F)(1) An ICF/IID's secondary building value is the product of the following:	41206 41207
(a) The sum of the following:	41208
(i) The sum of the depreciated current asset values of the ICF/IID's secondary buildings as determined under division (F)(2) of this section;	41209 41210 41211
(ii) The sum of the land values of the ICF/IID's secondary buildings as determined under division (F)(6) of this section.	41212 41213
(b) A rental rate of eleven per cent.	41214
(2) The depreciated current asset value of an ICF/IID's secondary building is the current asset value of the secondary building, as determined under division (F)(3) of this section, depreciated by the product of the following:	41215 41216 41217 41218
(a) The age of the secondary building as determined under division (F)(5) of this section;	41219 41220
(b) One and six-tenths per cent.	41221
(3) The current asset value of an ICF/IID's secondary building is the product of the following:	41222 41223

(a) The part of the secondary building's square footage that is allocated to the ICF/IID;	41224 41225
(b) The secondary building's value per square foot as determined under division (F)(4) of this section.	41226 41227
(4) The value per square foot of an ICF/IID's secondary building shall be determined by using the following:	41228 41229
(a) Except as provided in division (F)(4)(b) of this section, the most recent national average commercial cost estimate for office/warehouse buildings according to information available at buildingjournal.com on the last day of the applicable cost report year;	41230 41231 41232 41233 41234
(b) If the national average commercial cost estimate for office/warehouse buildings ceases to be available at buildingjournal.com, the most recent comparable cost estimate as specified in rules the director of developmental disabilities shall adopt under section 5124.03 of the Revised Code.	41235 41236 41237 41238 41239
(5) The age of an ICF/IID's secondary building is the lesser of the following:	41240 41241
(a) The difference of the following:	41242
(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;	41243 41244 41245
(ii) The calendar year the secondary building was initially constructed.	41246 41247
(b) Forty.	41248
(6) The land value of an ICF/IID's secondary building is the product of the following:	41249 41250
(a) The current asset value of the ICF/IID's secondary building as determined under division (F)(3) of this section;	41251 41252

(b) Ten per cent.	41253
(G) For the purposes of divisions (A)(1)(b) and (H)(1)(b)(ii)	41254
of this section, the department shall determine the sum of the	41255
following for each ICF/IID for each fiscal year:	41256
(1) The quotient of the following:	41257
(a) The ICF/IID's desk-reviewed, actual, allowable capital	41258
costs for the applicable cost report year;	41259
(b) The greater of the following:	41260
(i) The number of the ICF/IID's inpatient days for the	41261
applicable cost report year;	41262
(ii) The number of inpatient days the ICF/IID would have had	41263
during the applicable cost report year if its occupancy rate had	41264
been ninety-two per cent that year.	41265
(2) The following amount:	41266
(a) If the ICF/IID is in peer group <del>1-A1</del> or peer group <del>2-A2</del> ,	41267
three dollars;	41268
(b) If the ICF/IID is in peer group <del>3-A3</del> , peer group <del>4-A4</del> , or	41269
peer group <del>5-A5</del> , five dollars.	41270
(3) The greater of the following:	41271
(a) Ten per cent of the difference of the following:	41272
(i) The sum of the quotient determined for the fiscal year	41273
under division (G)(1) of this section and the applicable amount	41274
specified in division (G)(2) of this section;	41275
(ii) The sum determined for the fiscal year under division	41276
(A)(1)(a) of this section.	41277
(b) Zero.	41278
(H) An ICF/IID's per diem nonextensive renovation rate for a	41279
fiscal year is the following:	41280

(1) If the sum of the ICF/IID's per diem costs of nonextensive renovations for the applicable cost report year as determined under division (I) of this section and the ICF/IID's per diem costs of ownership for the applicable cost report year as determined under division (J) of this section is greater than the sum determined for the ICF/IID for the fiscal year under division (G) of this section, the lesser of the following:

(a) The ICF/IID's per diem costs of nonextensive renovations for the applicable cost report year as determined under division (I) of this section;

(b) The difference of the following:

(i) The sum of the ICF/IID's per diem costs of nonextensive renovation for the applicable cost report year as determined under division (I) of this section and the ICF/IID's per diem costs of ownership for the applicable cost report year as determined under division (J) of this section;

(ii) The sum determined for the ICF/IID for the fiscal year under division (G) of this section.

(2) If the sum of the ICF/IID's per diem costs of nonextensive renovation for the applicable cost report year as determined under division (I) of this section and the ICF/IID's per diem costs of ownership for the applicable cost report year as determined under division (J) of this section is less than or equal to the sum determined for the ICF/IID for the fiscal year under division (G) of this section, zero.

(I) An ICF/IID's per diem costs of nonextensive renovations for an applicable cost report year are the quotient of the following:

(1) The ICF/IID's desk-reviewed, actual, allowable costs of nonextensive renovations for the applicable cost report year;

(2) The greater of the following:	41311
(a) The number of the ICF/IID's inpatient days for the applicable cost report year;	41312 41313
(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	41314 41315 41316
(J) An ICF/IID's per diem costs of ownership for an applicable cost report year are the quotient of the following:	41317 41318
(1) The ICF/IID's desk-reviewed, actual, allowable costs of ownership for the applicable cost report year;	41319 41320
(2) The greater of the following:	41321
(a) The number of the ICF/IID's inpatient days for the applicable cost report year;	41322 41323
(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	41324 41325 41326
<b>Sec. 5124.19.</b> (A) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day direct care costs component rate. An ICF/IID's rate shall be determined as follows:	41327 41328 41329 41330
(1) Determine the product of the following:	41331
(a) The ICF/IID's quarterly case-mix score determined or assigned under section 5124.193 of the Revised Code for the following calendar quarter:	41332 41333 41334
(i) For the rate determined for fiscal year 2019, the calendar quarter ending December 31, 2017;	41335 41336
(ii) For the rate determined for each subsequent fiscal year, the calendar quarter ending on the last day of March of the calendar year in which the fiscal year begins.	41337 41338 41339

- (b) The lesser of the following: 41340
- (i) The ICF/IID's cost per case-mix unit for the applicable 41341  
cost report year as determined under division (B) of this section; 41342
- (ii) The maximum cost per case-mix unit for the ICF/IID's 41343  
peer group for the fiscal year for which the rate is determined as 41344  
determined under division (C) of this section. 41345
- (2) Adjust the product determined under division (A)(1) of 41346  
this section by the inflation rate estimated under division (D) of 41347  
this section. 41348
- (B) To determine an ICF/IID's cost per case-mix unit for a 41349  
cost report year, the department shall determine the quotient of 41350  
the following: 41351
- (1) The ICF/IID's desk-reviewed, actual, allowable, per diem 41352  
direct care costs for the cost report year; 41353
- (2) The ICF/IID's annual average case-mix score as determined 41354  
under section 5124.193 of the Revised Code for the fiscal year for 41355  
which the rate is determined. 41356
- (C)(1) The maximum cost per case-mix unit for a peer group 41357  
for a fiscal year, other than peer group ~~5-A5~~, is the following 41358  
percentage above the peer group's median cost per case-mix unit 41359  
for that fiscal year: 41360
- (a) For peer group ~~1-A1~~, sixteen per cent; 41361
- (b) For peer group ~~2-A2~~, fourteen per cent; 41362
- (c) For peer group ~~3-A3~~, eighteen per cent; 41363
- (d) For peer group ~~4-A4~~, twenty-two per cent. 41364
- (2) The maximum cost per case-mix unit for peer group ~~5-A5~~ 41365  
for a fiscal year is the ninety-fifth percentile of all ICFs/IID 41366  
in peer group ~~5-A5~~ for the applicable cost report year. 41367
- (3) In determining the maximum cost per case-mix unit for a 41368

peer group under division (C)(1) of this section, the department 41369  
shall exclude from its determination the cost per case-mix unit of 41370  
any ICF/IID in the peer group that participated in the medicaid 41371  
program under the same provider for less than twelve months during 41372  
the applicable cost report year. 41373

(4) In determining the maximum cost per case-mix unit for a 41374  
peer group under division (C)(1) or (2) of this section, the 41375  
department shall exclude from its determination the cost per 41376  
case-mix unit of any ICF/IID in the peer group that has a case-mix 41377  
score that was assigned by the department to the ICF/IID under 41378  
division (B) of section 5124.193 of the Revised Code. 41379

(5) The department shall not reset a peer group's maximum 41380  
cost per case-mix unit for a fiscal year under division (C)(1) or 41381  
(2) of this section based on additional information that the 41382  
department receives after it sets the maximum for that fiscal 41383  
year. The department shall reset a peer group's maximum cost per 41384  
case-mix unit for a fiscal year only if it made an error in 41385  
setting the maximum for that fiscal year based on information 41386  
available to the department at the time it originally sets the 41387  
maximum for that fiscal year. 41388

(D) The department shall estimate the rate of inflation for 41389  
the eighteen-month period beginning on the first day of July of 41390  
the applicable cost report year and ending on the last day of 41391  
December of the fiscal year for which the rate is determined, 41392  
using the following: 41393

(1) Subject to division (D)(2) of this section, the 41394  
employment cost index for total compensation, health care and 41395  
social assistance component, published by the United States bureau 41396  
of labor statistics; 41397

(2) If the United States bureau of labor statistics ceases to 41398  
publish the index specified in division (D)(1) of this section, 41399

the index that is subsequently published by the bureau and covers 41400  
the staff costs of ICFs/IID. 41401

**Sec. 5124.191.** (A) As used in sections 5124.191 to 5124.193 41402  
of the Revised Code, "ICF/IID resident" includes an individual who 41403  
is on hospital or therapeutic leave from an ICF/IID. 41404

(B) In accordance with rules adopted under section 5124.03 of 41405  
the Revised Code, the department of developmental disabilities 41406  
shall assess each ICF/IID resident regardless of payment source 41407  
and compile complete assessment data on the residents. The 41408  
department shall perform the initial assessment of an ICF/IID 41409  
resident. The department may perform a subsequent assessment of an 41410  
ICF/IID resident under any of the following circumstances: 41411

(1) The provider of the ICF/IID in which the resident resides 41412  
or from which the resident is on hospital or therapeutic leave has 41413  
submitted to the department under division (D) of this section 41414  
revised assessment data for the resident or an attestation of no 41415  
changes in the resident's assessment data and the department has 41416  
reason to believe that the revised assessment data or attestation 41417  
is inaccurate; 41418

(2) The department has reason to believe that the resident's 41419  
most recent assessment no longer accurately reflects the 41420  
resident's condition; 41421

(3) The department determines that the resident's most recent 41422  
assessment should be updated because of the passage of time since 41423  
that assessment was performed. 41424

(C) If an ICF/IID provider disagrees with the results of an 41425  
assessment performed by the department under this section, the 41426  
provider may request that the department reconsider the results in 41427  
accordance with rules adopted under section 5124.03 of the Revised 41428  
Code. 41429

(D) After the department assesses an ICF/IID resident under 41430  
this section, the provider of the ICF/IID in which the resident 41431  
resides or from which the resident is on hospital or therapeutic 41432  
leave shall submit to the department, not later than fifteen days 41433  
after the end of each subsequent calendar quarter and through the 41434  
medium or media specified in rules adopted under section 5124.03 41435  
of the Revised Code, either of the following: 41436

(1) Revised assessment data for the resident if there are 41437  
changes in the resident's assessment data; 41438

(2) An attestation that there are no changes in the 41439  
resident's assessment data. 41440

(E) A resident assessment instrument specified in rules 41441  
adopted under section 5124.03 of the Revised Code shall be used to 41442  
compile or revise assessment data of ICF/IID residents under this 41443  
section. ~~The resident assessment instrument used for the purpose 41444  
of this section may be different from the resident assessment 41445  
instrument used for the purpose of section 5124.196 of the Revised 41446  
Code.~~ 41447

**Sec. 5124.21.** (A) For each fiscal year, the department of 41448  
developmental disabilities shall determine each ICF/IID's per 41449  
medicaid day indirect care costs component rate. An ICF/IID's rate 41450  
shall be the lesser of the individual rate determined under 41451  
division (B) of this section and the maximum rate determined for 41452  
the ICF/IID's peer group under division (C) of this section. 41453

(B) An ICF/IID's individual rate is the sum of the following: 41454

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 41455  
indirect care costs for the applicable cost report year, adjusted 41456  
for the inflation rate estimated under division (E) of this 41457  
section; 41458

(2) Subject to division (D) of this section, an efficiency 41459

incentive equal to the difference between the amount of the per diem indirect care costs for the applicable cost report year determined for the ICF/IID under division (B)(1) of this section and the maximum rate established for the ICF/IID's peer group under division (C) of this section for that year.

(C)(1) The maximum rate for an ICF/IID's peer group shall be the following percentage above the peer group's median per diem indirect care costs for the applicable cost report year:

(a) For ICFs/IID in peer group ~~1-A1~~, eight per cent;

(b) For ICFs/IID in peer group ~~2-A2~~ or peer group ~~3-A3~~, ten per cent;

(c) For ICFs/IID in peer group ~~4-A4~~ or peer group ~~5-A5~~, twelve per cent.

(2) The department shall not redetermine a peer group's maximum rate under division (C)(1) of this section based on additional information that it receives after the maximum rate is set. The department shall redetermine a peer group's maximum rate only if the department made an error in computing the maximum rate based on the information available to the department at the time of the original calculation.

(D) The efficiency incentive for an ICF/IID shall not exceed the following:

(1) If the ICF/IID is in peer group ~~1-A1~~, five per cent of the peer group's maximum rate established under division (C)(1)(a) of this section;

(2) If the ICF/IID is in peer group ~~2-A2~~, peer group ~~3-A3~~, peer group ~~4-A4~~, or peer group ~~5-A5~~, six per cent of the peer group's maximum rate established under division (C)(1)(b) or (c) of this section.

(E) When adjusting rates for inflation under division (B)(1)

of this section, the department shall estimate the rate of 41490  
inflation for the eighteen-month period beginning on the first day 41491  
of July of the applicable cost report year and ending on the 41492  
thirty-first day of December of the fiscal year for which the rate 41493  
is determined. To estimate the rate of inflation, the department 41494  
shall use the following: 41495

(1) Subject to division (E)(2) of this section, the consumer 41496  
price index for all items for all urban consumers for the midwest 41497  
region, published by the United States bureau of labor statistics; 41498

(2) If the United States bureau of labor statistics ceases to 41499  
publish the index specified in division (E)(1) of this section, a 41500  
comparable index that the bureau publishes and the department 41501  
determines is appropriate. 41502

**Sec. 5124.23.** For each fiscal year, the department of 41503  
developmental disabilities shall determine each ICF/IID's per 41504  
medicaid day other protected costs component rate. An ICF/IID's 41505  
rate shall be the ICF/IID's desk-reviewed, actual, allowable, per 41506  
diem other protected costs from the applicable cost report year, 41507  
adjusted for inflation using the following: 41508

(A) Subject to division (B) of this section, the consumer 41509  
price index for all urban consumers for nonprescription drugs and 41510  
medical supplies, as published by the United States bureau of 41511  
labor statistics; 41512

(B) If the United States bureau of labor statistics ceases to 41513  
publish the index specified in division ~~(B)(1)~~(A) of this section, 41514  
the index that is subsequently published by the bureau and covers 41515  
nonprescription drugs and medical supplies. 41516

**Sec. 5124.29.** Except as otherwise provided in section 5124.30 41517  
of the Revised Code, the department of developmental disabilities, 41518  
in determining whether an ICF/IID's direct care costs and indirect 41519

care costs are allowable, shall place no limit on specific 41520  
categories of reasonable costs other than compensation of owners, 41521  
compensation of relatives of owners, and compensation of 41522  
administrators. 41523

Compensation cost limits for owners and relatives of owners 41524  
shall be based on compensation costs for individuals who hold 41525  
comparable positions but who are not owners or relatives of 41526  
owners, as reported on ICFs/IID's cost reports. As used in this 41527  
section, "comparable position" means the position that is held by 41528  
the owner or the owner's relative, if that position is listed 41529  
separately on the cost report form, or if the position is not 41530  
listed separately, the group of positions that is listed on the 41531  
cost report form and that includes the position held by the owner 41532  
or the owner's relative. In the case of an owner or owner's 41533  
relative who serves the ICFs/IID in a capacity such as corporate 41534  
officer, proprietor, or partner for which no comparable position 41535  
or group of positions is listed on the cost report form, the 41536  
compensation cost limit shall be based on civil service 41537  
equivalents and shall be specified in rules adopted under section 41538  
5124.03 of the Revised Code. 41539

Compensation cost limits for administrators shall be based on 41540  
compensation costs for administrators who are not owners or 41541  
relatives of owners, as reported on ICFs/IID's cost reports. ~~For~~ 41542  
~~the purpose of determining an ICF/IID's total per medicaid day~~ 41543  
~~payment rate under division (C) of section 5124.15 of the Revised~~ 41544  
~~Code, compensation cost limits for administrators of four or more~~ 41545  
~~ICFs/IID shall be the same as the limits for administrators of~~ 41546  
~~ICFs/IID with one hundred fifty or more beds.~~ 41547

**Sec. 5124.30.** Except as provided in ~~sections~~ section 5124.17 41548  
and ~~5124.171~~ of the Revised Code, the costs of goods, services, 41549  
and facilities, furnished to an ICF/IID provider by a related 41550

party are includable in the allowable costs of the provider at the 41551  
reasonable cost to the related party. 41552

**Sec. 5124.38.** (A) The director of developmental disabilities 41553  
shall establish a process under which an ICF/IID provider, or a 41554  
group or association of ICF/IID providers, may seek 41555  
reconsideration of medicaid payment rates established under this 41556  
chapter, ~~including a rate for direct care costs redetermined~~ 41557  
~~before the effective date of the rate as a result of an exception~~ 41558  
~~review conducted under section 5124.198 of the Revised Code.~~ 41559  
Except as provided in divisions (B) to (E) of this section, the 41560  
only issue that a provider, group, or association may raise in the 41561  
rate reconsideration is whether the rate was calculated in 41562  
accordance with this chapter and the rules adopted under section 41563  
5124.03 of the Revised Code. The provider, group, or association 41564  
may submit written arguments or other materials that support its 41565  
position. The provider, group, or association and department shall 41566  
take actions regarding the rate reconsideration within time frames 41567  
specified in rules authorized by this section. 41568

If the department determines, as a result of the rate 41569  
reconsideration, that the rate established for one or more 41570  
ICFs/IID is less than the rate to which the ICF/IID is entitled, 41571  
the department shall increase the rate. If the department has paid 41572  
the incorrect rate for a period of time, the department shall pay 41573  
the provider of the ICF/IID the difference between the amount the 41574  
provider was paid for that period for the ICF/IID and the amount 41575  
the provider should have been paid for the ICF/IID. 41576

(B)(1) The department, through the rate reconsideration 41577  
process, may increase during a fiscal year the medicaid payment 41578  
rate determined for an ICF/IID under this chapter if the provider 41579  
demonstrates that the ICF/IID's actual, allowable costs have 41580  
increased because of any of the following extreme circumstances: 41581

(a) A natural disaster;	41582
(b) <del>A nonextensive renovation approved under division (E) of section 5124.171 of the Revised Code;</del>	41583 41584
<del>(e)</del> If the ICF/IID has an appropriate claims management program, an increase in the ICF/IID's workers' compensation experience rating of greater than five per cent;	41585 41586 41587
<del>(d)</del> <u>(c)</u> If the ICF/IID is an inner-city ICF/IID, increased security costs;	41588 41589
<del>(e)</del> <u>(d)</u> A change of ownership that results from bankruptcy, foreclosure, or findings by the department of health of violations of medicaid certification requirements;	41590 41591 41592
<del>(f)</del> <u>(e)</u> Other extreme circumstances specified in rules authorized by this section.	41593 41594
(2) An ICF/IID may qualify for a rate increase under this division only if its per diem, actual, allowable costs have increased to a level that exceeds its total rate. An increase under this division is subject to any rate limitations or maximum rates established by this chapter for specific cost centers. Any rate increase granted under this division shall take effect on the first day of the first month after the department receives the request.	41595 41596 41597 41598 41599 41600 41601 41602
(C) The department, through the rate reconsideration process, may increase an ICF/IID's rate as determined under this chapter if the department, in the department's sole discretion, determines that the rate as determined under those sections works an extreme hardship on the ICF/IID.	41603 41604 41605 41606 41607
(D)(1) <del>When</del> <u>Subject to any applicable limitation under section 5124.17 of the Revised Code, when</u> beds certified for the medicaid program are added to an existing ICF/IID or replaced at the same site, the department, through the rate reconsideration	41608 41609 41610 41611

~~process, may do either of the following to account for the costs of the beds that are added or replaced:~~ 41612  
41613

~~(a) Subject to any applicable limitation under section 5124.17 of the Revised Code, proportionately increase the ICF/IID's per medicaid day capital component rate determined under that section:~~ 41614  
41615  
41616  
41617

~~(b) Subject to any applicable limitation under section 5124.171 of the Revised Code, proportionately increase the ICF/IID's per medicaid day payment rate for reasonable capital costs determined under that section to account for the costs of the beds that are added or replaced.~~ 41618  
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(2) If the department grants an increase under division (D)(1)(a) ~~or (b)~~ of this section, the increase shall go into effect one month after the first day of the month after the department receives sufficient documentation needed to determine the amount of the increase. 41623  
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(3) ~~Any rate increase of an ICF/IID's per medicaid day payment rate for reasonable capital costs determined under section 5124.171 of the Revised Code that is granted under division (D)(1)(b) of this section after June 30, 1993, shall remain in effect until the earlier of the following:~~ 41628  
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~~(a) The effective date of a per medicaid day payment rate for reasonable capital costs determined under section 5124.171 of the Revised Code that includes costs incurred for a full calendar year for the bed addition or bed replacement;~~ 41633  
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~~(b) The date the provider of the ICF/IID begins to be paid a rate determined under division (B) of section 5124.15 of the Revised Code.~~ 41637  
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~~(4) The provider of an ICF/IID that has its per medicaid day payment rate for reasonable capital costs increased under division (D)(1)(b)~~ (D)(1) of this section shall report double accumulated 41640  
41641  
41642

depreciation in an amount equal to the depreciation included in 41643  
the rate adjustment on its cost report for the first year of 41644  
operation. During the term of any loan used to finance a project 41645  
for which the rate increase is granted, the provider, if the 41646  
ICF/IID is operated by the same provider, shall subtract from the 41647  
interest costs it reports on the ICF/IID's cost report an amount 41648  
equal to the difference between the following: 41649

(a) The actual, allowable interest costs for the loan during 41650  
the calendar year for which the costs are being reported; 41651

(b) The actual, allowable interest costs attributable to the 41652  
loan that were used to calculate the rates paid to the provider 41653  
for the ICF/IID during the same calendar year. 41654

(E) If the provider of an ICF/IID submits to the department 41655  
revised assessment data for a resident of the ICF/IID under 41656  
division (D) of section 5124.191 of the Revised Code and the 41657  
revised assessment data results in at least a fifteen per cent 41658  
increase in the ICF/IID's case-mix score determined under section 41659  
5124.193 of the Revised Code, the provider may request that the 41660  
department, through the rate reconsideration process, increase the 41661  
ICF/IID's per medicaid day direct care costs component rate 41662  
determined under section 5124.19 of the Revised Code to account 41663  
for the increase in the ICF/IID's case-mix score. If the 41664  
department determines that the revised assessment data so 41665  
increases the ICF/IID's case-mix score, the department shall grant 41666  
the rate increase. The increase shall go into effect one month 41667  
after the first day of the month after the department receives 41668  
sufficient documentation needed to determine the amount of the 41669  
increase. 41670

(F) The department's decision at the conclusion of a rate 41671  
reconsideration process is not subject to any administrative 41672  
proceedings under Chapter 119. or any other provision of the 41673  
Revised Code. 41674

(G) The director of developmental disabilities shall adopt 41675  
rules under section 5124.03 of the Revised Code as necessary to 41676  
implement this section. 41677

**Sec. 5124.39.** (A) Except as provided in divisions (B) and (C) 41678  
of this section, if the provider of an ICF/IID in former peer 41679  
group 1-B, as that group existed on the date immediately preceding 41680  
the effective date of this amendment, obtained approval from the 41681  
department of developmental disabilities to become a downsized 41682  
ICF/IID not later than July 1, 2018, and the ICF/IID does not 41683  
become a downsized ICF/IID by that date, the department shall 41684  
recoup from the provider an amount equal to the sum of the 41685  
following: 41686

(1) The difference between the amount of the efficiency 41687  
incentive payments the ICF/IID earned under former sections 41688  
5124.171 and 5124.211 of the Revised Code, as those sections 41689  
existed on the date immediately preceding the effective date of 41690  
this amendment, because the provider obtained such approval and 41691  
the amount of the efficiency incentive payments the ICF/IID would 41692  
have earned under those sections had the provider not obtained 41693  
such approval; 41694

(2) An amount of interest on the difference determined under 41695  
division (A)(1) of this section. 41696

(B) The department shall exempt an ICF/IID provider from a 41697  
recoupment otherwise required by this section if the provider 41698  
voluntarily repays the department the difference determined under 41699  
division (A)(1) of this section. No interest shall be charged on 41700  
the amount voluntarily repaid. 41701

(C) The department may exempt an ICF/IID provider from a 41702  
recoupment otherwise required by this section if both of the 41703  
following apply: 41704

(1) The provider, on or before July 1, 2018, demonstrates to the department's satisfaction that the provider made a good faith effort to complete the downsizing by July 1, 2018, but the ICF/IID did not become a downsized ICF/IID by that date for reasons beyond the provider's control;

(2) The ICF/IID becomes a downsized ICF/IID within a period of time after July 1, 2018, that the department determines is reasonable.

(D) An ICF/IID provider subject to a recoupment under division (A) of this section or voluntarily making a repayment under division (B) of this section shall choose one of the following methods by which the recoupment or voluntary repayment shall be made:

(1) In a lump sum payment;

(2) Subject to the department's approval, in installment payments;

(3) In a single deduction from the next available medicaid payment made to the provider if that payment at least equals the total amount of the recoupment or voluntary repayment;

(4) Subject to the department's approval, in installment deductions from medicaid payments made to the provider.

(E) An ICF/IID provider may request that the director of developmental disabilities reconsider either or both of the following:

(1) A decision that the provider is subject to a recoupment under this section;

(2) A determination under this section of the amount to be recouped from the provider.

(F) The director shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section, including

rules specifying how the amount of interest charged under division 41735  
(A)(2) of this section is to be determined. 41736

**Sec. 5124.40.** If an ICF/IID provider properly amends a cost 41737  
report for an ICF/IID under section 5124.107 of the Revised Code 41738  
and the amended report shows that the provider received a lower 41739  
medicaid payment rate under the original cost report than the 41740  
provider was entitled to receive, the department of developmental 41741  
disabilities shall adjust the provider's rate for the ICF/IID 41742  
prospectively to reflect the corrected information. The department 41743  
shall pay the adjusted rate beginning two months after the first 41744  
day of the month after the provider files the amended cost report. 41745

~~If the department finds, from an exception review of resident 41746  
assessment data conducted pursuant to section 5124.198 of the 41747  
Revised Code after the effective date of an ICF/IID's rate for 41748  
direct care costs that is based on the resident assessment data, 41749  
that inaccurate resident assessment data resulted in the provider 41750  
receiving a lower rate for the ICF/IID than the provider was 41751  
entitled to receive, the department prospectively shall adjust the 41752  
provider's rate for the ICF/IID accordingly. The department shall 41753  
make payments to the provider using the adjusted rate for the 41754  
remainder of the calendar quarter for which the resident 41755  
assessment data is used to determine the rate, beginning one month 41756  
after the first day of the month after the exception review is 41757  
completed. 41758~~

**Sec. 5124.41.** (A) The department of developmental 41759  
disabilities shall redetermine a provider's medicaid payment rate 41760  
for an ICF/IID using revised information if ~~any~~ either of the 41761  
following results in a determination that the provider received a 41762  
higher medicaid payment rate for the ICF/IID than the provider was 41763  
entitled to receive: 41764

(1) The provider properly amends a cost report for the ICF/IID under section 5124.107 of the Revised Code; 41765  
41766

(2) The department makes a finding based on an audit under section 5124.109 of the Revised Code; 41767  
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~~(3) The department makes a finding based on an exception review of resident assessment data conducted under section 5124.198 of the Revised Code after the effective date of the ICF/IID's rate for direct care costs that is based on the resident assessment data.~~ 41769  
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(B) The department shall apply the redetermined rate to the periods when the provider received the incorrect rate to determine the amount of the overpayment. The provider shall refund the amount of the overpayment. The department may charge the provider the following amount of interest from the time the overpayment was made: 41774  
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(1) If the overpayment resulted from costs reported for calendar year 1993, the interest shall be not greater than one and one-half times the current average bank prime rate. 41780  
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(2) If the overpayment resulted from costs reported for a subsequent calendar year: 41783  
41784

(a) The interest shall be not greater than two times the current average bank prime rate if the overpayment was not more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate. 41785  
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(b) The interest shall be not greater than two and one-half times the current average bank prime rate if the overpayment was more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate. 41790  
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**Sec. 5124.46.** All of the following are subject to an 41795  
adjudication conducted in accordance with Chapter 119. of the 41796  
Revised Code: 41797

(A) Any audit disallowance that the department of 41798  
developmental disabilities makes as the result of an audit under 41799  
section 5124.109 of the Revised Code; 41800

~~(B) Any adverse finding that results from an exception review 41801  
of resident assessment data conducted for an ICF/IID under section 41802  
5124.198 of the Revised Code after the effective date of the 41803  
ICF/IID's medicaid payment rate for direct care costs that is 41804  
based on the resident assessment data; 41805~~

~~(C)~~ Any medicaid payment deemed an overpayment under section 41806  
5124.523 of the Revised Code; 41807

~~(D)~~(C) Any penalty the department imposes under section 41808  
5124.42 of the Revised Code or section 5124.523 of the Revised 41809  
Code. 41810

**Sec. 5126.044.** (A) As used in this section: 41811

(1) "Eligible person" has the same meaning as in section 41812  
5126.03 of the Revised Code. 41813

(2) "Treatment" means the provision, coordination, or 41814  
management of services provided to an eligible person. 41815

(3) "Payment" means activities undertaken by a service 41816  
provider or governmental entity to obtain or provide reimbursement 41817  
for services to an eligible person. 41818

(B) Except as provided in division (C) of this section, no 41819  
person shall disclose the identity of an individual who requests 41820  
programs or services under this chapter or release a record or 41821  
report regarding an eligible person that is maintained by a county 41822  
board of developmental disabilities or an entity under contract 41823

with a county board unless one of the following circumstances 41824  
exists: 41825

(1) The individual, eligible person, or the individual's 41826  
guardian, or, if the individual is a minor, the individual's 41827  
parent or guardian, makes a written request to the county board or 41828  
entity for or approves in writing disclosure of the individual's 41829  
identity or release of the record or report regarding the eligible 41830  
person. 41831

(2) Disclosure of the identity of an individual is needed for 41832  
approval of a direct services contract under section 5126.032 or 41833  
5126.033 of the Revised Code. The county board shall release only 41834  
the individual's name and the general nature of the services to be 41835  
provided. 41836

(3) Disclosure of the identity of the individual is needed to 41837  
ascertain that the county board's waiting lists for programs or 41838  
services are being maintained in accordance with section 5126.042 41839  
of the Revised Code and the rules adopted under that section. The 41840  
county board shall release only the individual's name, the general 41841  
nature of the programs or services to be provided the individual, 41842  
the individual's rank on each waiting list that includes the 41843  
individual, and any circumstances under which the individual was 41844  
given priority when placed on a waiting list. 41845

(4) Disclosure of the identity of an individual who is an 41846  
eligible person is needed for treatment of or payment for services 41847  
provided to the individual. 41848

(5) Release of a record or report regarding an individual 41849  
that is maintained by the county board or an entity under contract 41850  
with a county board is requested by a probate court pursuant to a 41851  
proceeding under Chapter 2111. of the Revised Code. Any record or 41852  
report released under this division shall only be released to the 41853  
parties to the proceeding. 41854

(6) Release of a record or report regarding an individual 41855  
that is maintained by the county board or an entity under contract 41856  
with a county board is requested by the department of 41857  
developmental disabilities for purposes of a proceeding under 41858  
sections 5123.69 to 5123.79 of the Revised Code or for the 41859  
department to comply with any court order issued under sections 41860  
2945.371 to 2945.402 of the Revised Code. 41861

(C)(1) At the request of an eligible person or the person's 41862  
guardian or, if the eligible person is a minor, the person's 41863  
parent or guardian, a county board or entity under contract with a 41864  
county board shall provide the person who made the request access 41865  
to records and reports regarding the eligible person. On written 41866  
request, the county board or entity shall provide copies of the 41867  
records and reports to the eligible person, guardian, or parent. 41868  
The county board or entity may charge a reasonable fee to cover 41869  
the costs of copying. The county board or entity may waive the fee 41870  
in cases of hardship. 41871

(2) A county board shall provide access to any waiting list 41872  
or record or report regarding an eligible person maintained by the 41873  
board to any state agency responsible for monitoring and reviewing 41874  
programs and services provided or arranged by the county board, 41875  
any state agency involved in the coordination of services for an 41876  
eligible person, and any agency under contract with the department 41877  
of developmental disabilities for the provision of protective 41878  
service pursuant to section 5123.56 of the Revised Code. 41879

(3) When an eligible person who requests programs or services 41880  
under this chapter dies, the county board or entity under contract 41881  
with the county board, shall, on written request, provide to both 41882  
of the following persons any reports and records in the board or 41883  
entity's possession concerning the eligible person: 41884

(a) If the report or records are necessary to administer the 41885  
estate of the person who is the subject of the reports or records, 41886

to the executor or administrator of the person's estate; 41887

(b) To the guardian of the person who is the subject of the 41888  
reports or records or, if the individual had no guardian at the 41889  
time of death, to a person in the first applicable of the 41890  
following categories: 41891

(i) The person's spouse; 41892

(ii) The person's children; 41893

(iii) The person's parents; 41894

(iv) The person's brothers or sisters; 41895

(v) The person's uncles or aunts; 41896

(vi) The person's closest relative by blood or adoption; 41897

(vii) The person's closest relative by marriage. 41898

The county board or entity shall provide the reports and 41899  
records as required by division (C)(3) of this section not later 41900  
than thirty days after receipt of the request. 41901

(D) A county board shall notify an eligible person, the 41902  
person's guardian, or, if the eligible person is a minor, the 41903  
person's parent or guardian, prior to destroying any record or 41904  
report regarding the eligible person. 41905

**Sec. 5126.05.** (A) Subject to the rules established by the 41906  
director of developmental disabilities pursuant to Chapter 119. of 41907  
the Revised Code for programs and services offered pursuant to 41908  
this chapter, and subject to the rules established by the state 41909  
board of education pursuant to Chapter 119. of the Revised Code 41910  
for programs and services offered pursuant to Chapter 3323. of the 41911  
Revised Code, the county board of developmental disabilities 41912  
shall: 41913

(1) Administer and operate facilities, programs, and services 41914  
as provided by this chapter and Chapter 3323. of the Revised Code 41915

and establish policies for their administration and operation; 41916

(2) Coordinate, monitor, and evaluate existing services and 41917  
facilities available to individuals with developmental 41918  
disabilities; 41919

(3) Provide early childhood services, supportive home 41920  
services, and adult services, according to the plan and priorities 41921  
developed under section 5126.04 of the Revised Code; 41922

(4) Provide or contract for special education services 41923  
pursuant to Chapters 3317. and 3323. of the Revised Code and 41924  
ensure that related services, as defined in section 3323.01 of the 41925  
Revised Code, are available according to the plan and priorities 41926  
developed under section 5126.04 of the Revised Code; 41927

(5) Adopt a budget, authorize expenditures for the purposes 41928  
specified in this chapter and do so in accordance with section 41929  
319.16 of the Revised Code, approve attendance of board members 41930  
and employees at professional meetings and approve expenditures 41931  
for attendance, and exercise such powers and duties as are 41932  
prescribed by the director; 41933

(6) Submit annual reports of its work and expenditures, 41934  
pursuant to sections 3323.09 and ~~5126.12~~ 5126.131 of the Revised 41935  
Code, to the director, the superintendent of public instruction, 41936  
and the board of county commissioners at the close of the fiscal 41937  
year and at such other times as may reasonably be requested; 41938

(7) Authorize all positions of employment, establish 41939  
compensation, including but not limited to salary schedules and 41940  
fringe benefits for all board employees, approve contracts of 41941  
employment for management employees that are for a term of more 41942  
than one year, employ legal counsel under section 309.10 of the 41943  
Revised Code, and contract for employee benefits. A county board 41944  
may provide benefits through an individual or joint self-insurance 41945  
program as provided under section 9.833 of the Revised Code. 41946

(8) Provide service and support administration in accordance with section 5126.15 of the Revised Code;	41947 41948
(9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of developmental disabilities;	41949 41950 41951
(10) Implement an employment first policy that clearly identifies community employment as the desired outcome for every individual of working age who receives services from the board;	41952 41953 41954
(11) Set benchmarks for improving community employment outcomes.	41955 41956
(B) To the extent that rules adopted under this section apply to the identification and placement of children with disabilities under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code.	41957 41958 41959 41960 41961
(C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code.	41962 41963 41964 41965 41966 41967 41968 41969
(D) A county board may combine transportation for children and adults enrolled in programs and services offered under Chapter 5126. of the Revised Code with transportation for children enrolled in classes funded under sections 3317.0213 and 3317.20 of the Revised Code.	41970 41971 41972 41973 41974
(E) A county board may purchase all necessary insurance policies, may purchase equipment and supplies through the department of administrative services or from other sources, and	41975 41976 41977

may enter into agreements with public agencies or nonprofit organizations for cooperative purchasing arrangements. 41978  
41979

(F) A county board may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established and hold, apply, and dispose of the moneys, lands, and property according to the terms of the gift, grant, devise, or bequest. All money received by gift, grant, bequest, or disposition of lands or property received by gift, grant, devise, or bequest shall be deposited in the county treasury to the credit of such board and shall be available for use by the board for purposes determined or stated by the donor or grantor, but may not be used for personal expenses of the board members. Any interest or earnings accruing from such gift, grant, devise, or bequest shall be treated in the same manner and subject to the same provisions as such gift, grant, devise, or bequest. 41980  
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(G) The board of county commissioners shall levy taxes and make appropriations sufficient to enable the county board of developmental disabilities to perform its functions and duties, and may utilize any available local, state, and federal funds for such purpose. 41994  
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**Sec. 5126.054.** Annually, on or before the thirty-first day of December each year, each county board of developmental disabilities shall, ~~by resolution, develop and~~ submit to the department of developmental disabilities ~~an annual plan that includes both of the following components:~~ 41999  
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(A) ~~The number of individuals with developmental disabilities residing in the county who are placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code; the service needs of those individuals; and the projected annualized cost for services;~~ 42004  
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42006  
42007  
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~~(B) The An annual waiver allocation projection that contains 42009  
the projected number of individuals to whom the board intends to 42010  
provide home and community-based services based on available 42011  
funding as projected in the board's annual five-year projection 42012  
report submitted pursuant to section 5126.053 of the Revised Code; 42013~~

~~(C) How the services are to be phased in over the period the 42014  
plan covers, including how the county board will serve the 42015  
individuals identified in divisions (A)(1) and (2) of this 42016  
section; 42017~~

~~(D) Any other applicable information or conditions that the 42018  
department requires as a condition of approving the plan under 42019  
section 5123.046 of the Revised Code(B) Assurances that the county 42020  
board does both of the following: 42021~~

~~(1) Employs or contracts with a business manager, or has 42022  
entered into an agreement with another county board that employs 42023  
or contacts with a business manager to have that business manager 42024  
serve both counties. The superintendent of a county board shall 42025  
not serve as the business manager of the county board. 42026~~

~~(2) Employs or contracts with a medicaid services manager, or 42027  
has entered into an agreement with another county board that 42028  
employs or contracts with a medicaid services manager to have that 42029  
medicaid services manager serve both counties. The superintendent 42030  
of a county board shall not serve as the medicaid services manager 42031  
of the county board. 42032~~

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of 42033  
the Revised Code, a county board of developmental disabilities has 42034  
medicaid local administrative authority to, and shall, do all of 42035  
the following for an individual with a developmental disability 42036  
who resides in the county that the county board serves and seeks 42037  
or receives home and community-based services: 42038

(1) Perform assessments and evaluations of the individual. As 42039  
part of the assessment and evaluation process, all of the 42040  
following apply: 42041

(a) The county board shall make a recommendation to the 42042  
department of developmental disabilities on whether the department 42043  
should approve or deny the individual's application for the 42044  
services, including on the basis of whether the individual needs 42045  
the level of care an ICF/IID provides. 42046

(b) If the individual's application is denied because of the 42047  
county board's recommendation and the individual appeals pursuant 42048  
to section 5160.31 of the Revised Code, the county board shall 42049  
present, with the department of developmental disabilities or 42050  
department of medicaid, whichever denies the application, the 42051  
reasons for the recommendation and denial at the hearing. 42052

(c) If the individual's application is approved, the county 42053  
board shall recommend to the departments of developmental 42054  
disabilities and medicaid the services that should be included in 42055  
the individual service plan. If either department under section 42056  
5166.21 of the Revised Code approves, reduces, denies, or 42057  
terminates a service included in the plan because of the county 42058  
board's recommendation, the board shall present, with the 42059  
department that made the approval, reduction, denial, or 42060  
termination, the reasons for the recommendation and approval, 42061  
reduction, denial, or termination at a hearing held pursuant to an 42062  
appeal made under section 5160.31 of the Revised Code. 42063

(2) Perform any duties assigned to the county board in rules 42064  
adopted under section 5126.046 of the Revised Code regarding the 42065  
individual's right to choose a qualified and willing provider of 42066  
the services and, at a hearing held pursuant to an appeal made 42067  
under section 5160.31 of the Revised Code, present evidence of the 42068  
process for appropriate assistance in choosing providers; 42069

(3) If the county board is certified under section 5123.161 42070  
of the Revised Code to provide the services and agrees to provide 42071  
the services to the individual and the individual chooses the 42072  
county board to provide the services, furnish, in accordance with 42073  
the county board's medicaid provider agreement and for the 42074  
authorized reimbursement rate, the services the individual 42075  
requires; 42076

(4) Monitor the services provided to the individual and 42077  
ensure the individual's health, safety, and welfare. The 42078  
monitoring shall include quality assurance activities. If the 42079  
county board provides the services, the department of 42080  
developmental disabilities shall also monitor the services. 42081

(5) Develop, with the individual and the provider of the 42082  
individual's services, an effective individual service plan that 42083  
includes coordination of services, recommend that the departments 42084  
of developmental disabilities and medicaid approve the plan, and 42085  
implement the plan unless either department disapproves it. The 42086  
plan shall include a summary page, agreed to by the county board, 42087  
provider, and individual receiving services, that clearly outlines 42088  
the amount, duration, and scope of services to be provided under 42089  
the plan. 42090

(6) Have an investigative agent conduct investigations under 42091  
section 5126.313 of the Revised Code that concern the individual; 42092

(7) Have a service and support administrator perform the 42093  
duties under division (B)(8) of section 5126.15 of the Revised 42094  
Code that concern the individual. 42095

(B) A county board shall perform its medicaid local 42096  
administrative authority under this section in accordance with all 42097  
of the following: 42098

(1) ~~The county board's plan that the department of 42099  
developmental disabilities approves under section 5123.046 of the 42100~~

<del>Revised Code:</del>	42101
<del>(2)</del> All applicable federal and state laws;	42102
<del>(3)</del> <u>(2)</u> All applicable policies of the departments of developmental disabilities and medicaid and the United States department of health and human services;	42103 42104 42105
<del>(4)</del> <u>(3)</u> The department of medicaid's supervision under its authority as the single state medicaid agency;	42106 42107
<del>(5)</del> <u>(4)</u> The department of developmental disabilities' oversight.	42108 42109
(C) The departments of developmental disabilities and medicaid shall communicate with and provide training to county boards regarding medicaid local administrative authority granted by this section. The communication and training shall include issues regarding audit protocols and other standards established by the United States department of health and human services that the departments determine appropriate for communication and training. County boards shall participate in the training. The departments shall assess the county board's compliance against uniform standards that the departments shall establish.	42110 42111 42112 42113 42114 42115 42116 42117 42118 42119
(D) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local administrative authority. A county board that enters into such a contract shall notify the director of developmental disabilities. The notice shall include the tasks and responsibilities that the contract gives to the person or government entity. The person or government entity shall comply in full with all requirements to which the county board is subject regarding the person or government entity's tasks and responsibilities under the contract. The county board remains ultimately responsible for the tasks and	42120 42121 42122 42123 42124 42125 42126 42127 42128 42129 42130 42131

responsibilities. 42132

(E) A county board that has medicaid local administrative 42133  
authority under this section shall, through the departments of 42134  
developmental disabilities and medicaid, reply to, and cooperate 42135  
in arranging compliance with, a program or fiscal audit or program 42136  
violation exception that a state or federal audit or review 42137  
discovers. The department of medicaid shall timely notify the 42138  
department of developmental disabilities and the county board of 42139  
any adverse findings. After receiving the notice, the county 42140  
board, in conjunction with the department of developmental 42141  
disabilities, shall cooperate fully with the department of 42142  
medicaid and timely prepare and send to the department a written 42143  
plan of correction or response to the adverse findings. The county 42144  
board is liable for any adverse findings that result from an 42145  
action it takes or fails to take in its implementation of medicaid 42146  
local administrative authority. 42147

(F) If the department of developmental disabilities or 42148  
department of medicaid determines that a county board's 42149  
implementation of its medicaid local administrative authority 42150  
under this section is deficient, the department that makes the 42151  
determination shall require that county board do the following: 42152

(1) If the deficiency affects the health, safety, or welfare 42153  
of an individual with a developmental disability, correct the 42154  
deficiency within twenty-four hours; 42155

(2) If the deficiency does not affect the health, safety, or 42156  
welfare of an individual with a developmental disability, receive 42157  
technical assistance from the department or submit a plan of 42158  
correction to the department that is acceptable to the department 42159  
within sixty days and correct the deficiency within the time 42160  
required by the plan of correction. 42161

**Sec. 5126.056.** (A) The department of developmental 42162

disabilities shall take action under division (B) of this section 42163  
against a county board of developmental disabilities if ~~any~~ either 42164  
of the following are the case: 42165

~~(1) The county board fails to submit to the department all 42166  
the components of its annual plan required by section 5126.054 of 42167  
the Revised Code. 42168~~

~~(2) The department disapproves the county board's annual plan 42169  
under section 5123.046 of the Revised Code. 42170~~

~~(3) The county board fails to implement its annual plan 42171  
approved by the department. 42172~~

~~(4) The county board fails to correct a deficiency within the 42173  
time required by division (F) of section 5126.055 of the Revised 42174  
Code to the satisfaction of the department. 42175~~

~~(5) (2) The county board fails to submit an acceptable plan 42176  
of correction to the department within the time required by 42177  
division (F)(2) of section 5126.055 of the Revised Code. 42178~~

(B) If required by division (A) of this section to take 42179  
action against a county board, the department shall issue an order 42180  
terminating the county board's medicaid local administrative 42181  
authority over all or part of home and community-based services, 42182  
medicaid case management services, or all or part of both of those 42183  
services. The department shall provide a copy of the order to the 42184  
board of county commissioners, senior probate judge, county 42185  
auditor, and president and superintendent of the county board. The 42186  
department shall specify in the order the medicaid local 42187  
administrative authority that the department is terminating, the 42188  
reason for the termination, and the county board's option and 42189  
responsibilities under this division. 42190

A county board whose medicaid local administrative authority 42191  
is terminated may, not later than thirty days after the department 42192  
issues the termination order, recommend to the department that 42193

another county board that has not had any of its medicaid local 42194  
administrative authority terminated or another entity the 42195  
department approves administer the services for which the county 42196  
board's medicaid local administrative authority is terminated. The 42197  
department may contract with the other county board or entity to 42198  
administer the services. If the department enters into such a 42199  
contract, the county board shall adopt a resolution giving the 42200  
other county board or entity full medicaid local administrative 42201  
authority over the services that the other county board or entity 42202  
is to administer. The other county board or entity shall be known 42203  
as the contracting authority. 42204

If the department rejects the county board's recommendation 42205  
regarding a contracting authority, the county board may appeal the 42206  
rejection under section 5123.043 of the Revised Code. 42207

If the county board does not submit a recommendation to the 42208  
department regarding a contracting authority within the required 42209  
time or the department rejects the county board's recommendation 42210  
and the rejection is upheld pursuant to an appeal, if any, under 42211  
section 5123.043 of the Revised Code, the department shall appoint 42212  
an administrative receiver to administer the services for which 42213  
the county board's medicaid local administrative authority is 42214  
terminated. To the extent necessary for the department to appoint 42215  
an administrative receiver, the department may utilize employees 42216  
of the department, management personnel from another county board, 42217  
or other individuals who are not employed by or affiliated with in 42218  
any manner a person that provides home and community-based 42219  
services or medicaid case management services pursuant to a 42220  
contract with any county board. The administrative receiver shall 42221  
assume full administrative responsibility for the county board's 42222  
services for which the county board's medicaid local 42223  
administrative authority is terminated. 42224

The contracting authority or administrative receiver shall 42225

develop and submit to the department a plan of correction to 42226  
remediate the problems that caused the department to issue the 42227  
termination order. If, after reviewing the plan, the department 42228  
approves it, the contracting authority or administrative receiver 42229  
shall implement the plan. 42230

The county board shall transfer control of state and federal 42231  
funds it is otherwise eligible to receive for the services for 42232  
which the county board's medicaid local administrative authority 42233  
is terminated and funds the county board may use under division 42234  
(A) of section 5126.0511 of the Revised Code to pay the nonfederal 42235  
share of the services that the county board is required by 42236  
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 42237  
county board shall transfer control of the funds to the 42238  
contracting authority or administrative receiver administering the 42239  
services. The amount the county board shall transfer shall be the 42240  
amount necessary for the contracting authority or administrative 42241  
receiver to fulfill its duties in administering the services, 42242  
including its duties to pay its personnel for time worked, travel, 42243  
and related matters. If the county board fails to make the 42244  
transfer, the department may withhold the state and federal funds 42245  
from the county board and bring a mandamus action against the 42246  
county board in the court of common pleas of the county served by 42247  
the county board or in the Franklin county court of common pleas. 42248  
The mandamus action may not require that the county board transfer 42249  
any funds other than the funds the county board is required by 42250  
division (B) of this section to transfer. 42251

The contracting authority or administrative receiver has the 42252  
right to authorize the payment of bills in the same manner that 42253  
the county board may authorize payment of bills under this chapter 42254  
and section 319.16 of the Revised Code. 42255

**Sec. 5126.071.** (A) As used in this section, "minority 42256

business enterprise" has the meaning given in division (E)(1) of 42257  
section 122.71 of the Revised Code. 42258

(B) Any minority business enterprise that desires to bid on a 42259  
contract under division (C) or (D) of this section shall first 42260  
apply to the ~~equal employment opportunity coordinator in the~~ 42261  
department of ~~administrative services~~development for certification 42262  
as a minority business enterprise. The ~~coordinator~~director of 42263  
development shall approve the application of any minority business 42264  
enterprise that complies with the rules adopted under section 42265  
122.71 of the Revised Code. The ~~coordinator~~director shall prepare 42266  
and maintain a list of minority business enterprises certified 42267  
under this section. 42268

(C) From the contracts to be awarded for the purchases of 42269  
equipment, materials, supplies, insurance, and nonprogram 42270  
services, other than contracts entered into and exempt under 42271  
sections 307.86 and 5126.05 of the Revised Code, each county board 42272  
of developmental disabilities shall select a number of contracts 42273  
with an aggregate value of approximately fifteen per cent of the 42274  
total estimated value of such contracts to be awarded in the 42275  
current calendar year. The board shall set aside the contracts so 42276  
selected for bidding by minority business enterprises only. The 42277  
bidding procedures for such contracts shall be the same as for all 42278  
other contracts awarded under section 307.86 of the Revised Code, 42279  
except that only minority business enterprises certified and 42280  
listed under division (B) of this section shall be qualified to 42281  
submit bids. Contracts set aside and awarded under this section 42282  
shall not include contracts for the purchase of services such as 42283  
direct and ancillary services, service and support administration, 42284  
residential services, and family support services. 42285

(D) To the extent that a board is authorized to enter into 42286  
contracts for construction which are not exempt from the 42287  
competitive bidding requirements of section 307.86 of the Revised 42288

Code, the board shall set aside a number of contracts the 42289  
aggregate value of which equals approximately five per cent of the 42290  
aggregate value of construction contracts for the current calendar 42291  
year for bidding by minority business enterprises only. The 42292  
bidding procedures for the contracts set aside for minority 42293  
business enterprises shall be the same as for all other contracts 42294  
awarded by the board, except that only minority business 42295  
enterprises certified and listed under division (B) of this 42296  
section shall be qualified to submit bids. 42297

Any contractor awarded a construction contract pursuant to 42298  
this section shall make every effort to ensure that certified 42299  
minority business subcontractors and materials suppliers 42300  
participate in the contract. In the case of contracts specified in 42301  
this division, the total value of subcontracts awarded to and 42302  
materials and services purchased from minority businesses shall be 42303  
at least ten per cent of the total value of the contract, wherever 42304  
possible and whenever the contractor awards subcontracts or 42305  
purchases materials or services. 42306

(E) In the case of contracts set aside under divisions (C) 42307  
and (D) of this section, if no bid is submitted by a minority 42308  
business enterprise, the contract shall be awarded according to 42309  
normal bidding procedures. The board shall from time to time set 42310  
aside such additional contracts as are necessary to replace those 42311  
contracts previously set aside on which no minority business 42312  
enterprise bid. 42313

(F) This section does not preclude any minority business 42314  
enterprise from bidding on any other contract not specifically set 42315  
aside for minority business enterprises. 42316

(G) Within ninety days after the beginning of each calendar 42317  
year, each county board of developmental disabilities shall file a 42318  
report with the department of developmental disabilities that 42319  
shows for that calendar year the name of each minority business 42320

enterprise with which the board entered into a contract, the value 42321  
and type of each such contract, the total value of contracts 42322  
awarded under divisions (C) and (D) of this section, the total 42323  
value of contracts awarded for the purchases of equipment, 42324  
materials, supplies, or services, other than contracts entered 42325  
into under the exemptions of sections 307.86 and 5126.05 of the 42326  
Revised Code, and the total value of contracts entered into for 42327  
construction. 42328

(H) Any person who intentionally misrepresents that person as 42329  
owning, controlling, operating, or participating in a minority 42330  
business enterprise for the purpose of obtaining contracts or any 42331  
other benefits under this section shall be guilty of theft by 42332  
deception as provided for in section 2913.02 of the Revised Code. 42333

**Sec. 5126.131.** (A)(1) Each regional council established under 42334  
section 5126.13 of the Revised Code shall file with the department 42335  
of developmental disabilities an annual cost report detailing the 42336  
regional council's income and expenditures. 42337

(2) Each county board of developmental disabilities shall 42338  
file with the department an annual cost report detailing the 42339  
board's income and expenditures. 42340

(B)(1)(a) Unless the department establishes a later date for 42341  
all regional council cost reports, each council shall file its 42342  
cost report not later than the last day of April. At the written 42343  
request of a regional council, the department may grant a 42344  
fourteen-day extension for filing the cost report. 42345

(b) Unless the department establishes a later date for all 42346  
county board cost reports, each board shall file its cost report 42347  
not later than the last day of May. At the written request of a 42348  
board, the department may grant a fourteen-day extension for 42349  
filing the board's cost report. 42350

(2) The cost report shall contain information on the previous 42351  
calendar year's income and expenditures. Once filed by a regional 42352  
council or board, no changes may be made to the cost report, 42353  
including the submission of additional documentation, except as 42354  
otherwise provided in this section. 42355

(C) Each cost report filed under this section by a regional 42356  
council or board ~~shall~~ may be audited by the department or an 42357  
entity designated by the department, utilizing methodology 42358  
approved by the United States centers for medicare and medicaid 42359  
services. The department or designated entity shall notify the 42360  
regional council or board of the date on which the audit is to 42361  
begin. The department may permit a regional council or board to 42362  
submit changes to the cost report before the audit begins. 42363

If the department or designated entity determines that a 42364  
filed cost report is not auditable, it shall provide written 42365  
notification to the regional council or board of the cost report's 42366  
deficiencies and may request additional documentation. If the 42367  
department or designated entity requests additional documentation, 42368  
the regional council or board shall be given sixty days after the 42369  
request is made to provide the additional documentation. After 42370  
sixty days, the department or designated entity shall determine 42371  
whether the cost report is auditable with any additional 42372  
documentation provided and shall notify the regional council or 42373  
board of its determination. The determination of the department or 42374  
designated entity is final. 42375

(D) The department or designated entity shall certify its 42376  
audit as complete and file a copy of the certified audit in the 42377  
office of the clerk of the governing body, executive officer of 42378  
the governing body, and chief fiscal officer of the audited 42379  
regional council or board. Changes may not be made to a cost 42380  
report once the department or designated entity files the 42381  
certified audit. The cost report is not a public record under 42382

section 149.43 of the Revised Code until copies of the cost report 42383  
are filed pursuant to this section. 42384

(E) The department may withhold any funds that it distributes 42385  
to a regional council or board as subsidy payments if either of 42386  
the following is the case: 42387

(1) The cost report is not timely filed by the regional 42388  
council or board with the department in accordance with division 42389  
(B) of this section. 42390

(2) The cost report is determined not auditable under 42391  
division (C) of this section after the department or designated 42392  
entity gives the regional council or board sixty days to provide 42393  
additional documentation. 42394

(F) Cost reports shall be retained by regional councils and 42395  
boards for seven years. The department shall provide annual 42396  
training to regional council and board employees regarding cost 42397  
reports required by this section. 42398

(G) The department, in accordance with Chapter 119. of the 42399  
Revised Code, may adopt any rules necessary to implement this 42400  
section. 42401

**Sec. 5145.31.** (A) As used in this section, "computer," 42402  
"computer network," "computer system," "computer services," 42403  
"telecommunications service," and "information service" have the 42404  
same meanings as in section 2913.01 of the Revised Code. 42405

(B) No officer or employee of a correctional institution 42406  
under the control or supervision of the department of 42407  
rehabilitation and correction shall provide a prisoner access to 42408  
or permit a prisoner to have access to the internet through the 42409  
use of a computer, computer network, computer system, computer 42410  
services, telecommunications service, or information service 42411  
unless both of the following apply: 42412

(1) The prisoner is ~~participating in an approved educational~~ 42413  
~~program with direct supervision that requires the use of the~~ 42414  
~~internet for training or research purposes~~ accessing the internet 42415  
solely for a use or purpose approved by the managing officer of 42416  
that prisoner's institution or by the managing officer's designee. 42417

(2) The provision of and access to the internet is in 42418  
accordance with rules promulgated by the department of 42419  
rehabilitation and correction pursuant to section 5120.62 of the 42420  
Revised Code. 42421

(C)(1) No prisoner in a correctional institution under the 42422  
control or supervision of the department of rehabilitation and 42423  
correction shall access the internet through the use of a 42424  
computer, computer network, computer system, computer services, 42425  
telecommunications service, or information service unless both of 42426  
the following apply: 42427

(a) The prisoner is ~~participating in an approved educational~~ 42428  
~~program with direct supervision that requires the use of the~~ 42429  
~~internet for training or research purposes~~ accessing the internet 42430  
solely for a use or purpose approved by the managing officer of 42431  
that prisoner's institution or by the managing officer's designee. 42432

(b) The provision of and access to the internet is in 42433  
accordance with rules promulgated by the department of 42434  
rehabilitation and correction pursuant to section 5120.62 of the 42435  
Revised Code. 42436

(2) Whoever violates division (C)(1) of this section is 42437  
guilty of improper internet access, a misdemeanor of the first 42438  
degree. 42439

**Sec. 5149.31.** (A) The department of rehabilitation and 42440  
correction shall do all of the following: 42441

(1) Establish and administer a program of subsidies for 42442

eligible counties and groups of counties for felony offenders and 42443  
a program of subsidies for eligible municipal corporations, 42444  
counties, and groups of counties for misdemeanor offenders for the 42445  
development, implementation, and operation of community 42446  
corrections programs. Department expenditures for administration 42447  
of both programs of subsidies shall not exceed ten per cent of the 42448  
moneys appropriated for each of the purposes of this division. 42449

(2) Adopt and promulgate rules, under Chapter 119. of the 42450  
Revised Code, providing standards for community corrections 42451  
programs. The standards adopted by the department shall specify 42452  
the class of offender whose degree of felony, whose community 42453  
control sanction revocation history, or whose risk level as 42454  
assessed by the single validated risk assessment tool described in 42455  
section 5120.114 of the Revised Code, make the offender suitable 42456  
for participation in community corrections programs. The rules 42457  
shall make the level of subsidy provided to every county or group 42458  
of counties contingent upon the number of offenders participating 42459  
in community corrections programs each fiscal year who satisfy the 42460  
participation suitability standards established by the department 42461  
and upon the outcomes of any performance-based standards 42462  
established by the department. The standards shall be designed to 42463  
improve the quality and efficiency of the programs, to support 42464  
evidence-based policies and practices, as defined by the 42465  
department, and to reduce the number of persons committed to state 42466  
correctional institutions and to county, multicounty, municipal, 42467  
municipal-county, or multicounty-municipal jails or workhouses for 42468  
offenses for which community control sanctions are authorized 42469  
under section 2929.13, 2929.15, or 2929.25 of the Revised Code. In 42470  
developing the standards, the department shall consult with, and 42471  
seek the advice of, local corrections agencies, law enforcement 42472  
agencies, and other public and private agencies concerned with 42473  
corrections. The department shall conduct, and permit 42474  
participation by local corrections planning boards established 42475

under section 5149.34 of the Revised Code and joint county 42476  
corrections planning boards established under section 5149.35 of 42477  
the Revised Code in, an annual review of the standards to measure 42478  
their effectiveness in promoting the purposes specified in this 42479  
division and shall amend or rescind any existing rule providing a 42480  
standard or adopt and promulgate additional rules providing 42481  
standards, under Chapter 119. of the Revised Code, if the review 42482  
indicates that the standards fail to promote the purposes. 42483

(3) Accept and use any funds, goods, or services from the 42484  
federal government or any other public or private source for the 42485  
support of the subsidy programs established under division (A) of 42486  
this section. The department may comply with any conditions and 42487  
enter into any agreements that it considers necessary to obtain 42488  
these funds, goods, or services. 42489

(4) Adopt rules, in accordance with Chapter 119. of the 42490  
Revised Code, and do all other things necessary to implement 42491  
sections 5149.30 to 5149.37 of the Revised Code; 42492

(5) Evaluate or provide for the evaluation of community 42493  
corrections programs funded by the subsidy programs established 42494  
under division (A)(1) of this section and establish means of 42495  
measuring their effectiveness; 42496

(6) Prepare an annual report evaluating the subsidy programs 42497  
established under division (A)(1) of this section. The report 42498  
shall include, but need not be limited to, analyses of the 42499  
structure of the programs and their administration by the 42500  
department, the effectiveness of the programs in the development 42501  
and implementation of community corrections programs, the specific 42502  
standards adopted and promulgated under division (A)(2) of this 42503  
section and their effectiveness in promoting the purposes of the 42504  
programs, and the findings of the evaluations conducted under 42505  
division (A)(5) of this section. The director of rehabilitation 42506  
and correction shall review and certify the accuracy of the report 42507

and provide copies of it, upon request, to members of the general assembly. 42508  
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(7) Provide training or assistance, upon the request of a local corrections planning board or a joint county corrections planning board, to any local unit of government, subject to available resources of the department. 42510  
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(B)(1) In order to be eligible for the subsidies under this section, counties, groups of counties, and municipal corporations shall satisfy all applicable requirements under sections 2301.27 and 2301.30 of the Revised Code and, except for sentencing decisions made by a court when use of the risk assessment tool is discretionary, shall utilize the single validated risk assessment tool selected by the department under section 5120.114 of the Revised Code. 42514  
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(2) The department shall give any county, group of counties, or municipal corporation found to be noncompliant with the requirements described in division (B)(1) of this section a reasonable period of time to come into compliance. If the noncompliant county, group of counties, or municipal corporation does not become compliant after a reasonable period of time, the department shall reduce or eliminate the subsidy granted to that county, group of counties, or municipal corporation. 42522  
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**Sec. 5153.16.** (A) Except as provided in section 2151.422 of the Revised Code, in accordance with rules adopted under section 5153.166 of the Revised Code, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency shall do all of the following: 42530  
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(1) Make an investigation concerning any child alleged to be an abused, neglected, or dependent child; 42536  
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- (2) Enter into agreements with the parent, guardian, or other person having legal custody of any child, or with the department of job and family services, department of mental health and addiction services, department of developmental disabilities, other department, any certified organization within or outside the county, or any agency or institution outside the state, having legal custody of any child, with respect to the custody, care, or placement of any child, or with respect to any matter, in the interests of the child, provided the permanent custody of a child shall not be transferred by a parent to the public children services agency without the consent of the juvenile court; 42538  
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- (3) Accept custody of children committed to the public children services agency by a court exercising juvenile jurisdiction; 42549  
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- (4) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service; 42552  
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- (5) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child; 42556  
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- (6) Make available to the bureau for children with medical handicaps of the department of health at its request any information concerning a crippled child found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency; 42559  
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- (7) Provide temporary emergency care for any child considered by the public children services agency to be in need of such care, without agreement or commitment; 42565  
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- (8) Find certified foster homes, within or outside the 42568

county, for the care of children, including handicapped children 42569  
from other counties attending special schools in the county; 42570

(9) Subject to the approval of the board of county 42571  
commissioners and the state department of job and family services, 42572  
establish and operate a training school or enter into an agreement 42573  
with any municipal corporation or other political subdivision of 42574  
the county respecting the operation, acquisition, or maintenance 42575  
of any children's home, training school, or other institution for 42576  
the care of children maintained by such municipal corporation or 42577  
political subdivision; 42578

(10) Acquire and operate a county children's home, establish, 42579  
maintain, and operate a receiving home for the temporary care of 42580  
children, or procure certified foster homes for this purpose; 42581

(11) Enter into an agreement with the trustees of any 42582  
district children's home, respecting the operation of the district 42583  
children's home in cooperation with the other county boards in the 42584  
district; 42585

(12) Cooperate with, make its services available to, and act 42586  
as the agent of persons, courts, the department of job and family 42587  
services, the department of health, and other organizations within 42588  
and outside the state, in matters relating to the welfare of 42589  
children, except that the public children services agency shall 42590  
not be required to provide supervision of or other services 42591  
related to the exercise of parenting time rights granted pursuant 42592  
to section 3109.051 or 3109.12 of the Revised Code or 42593  
companionship or visitation rights granted pursuant to section 42594  
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 42595  
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 42596  
a common pleas court, pursuant to division (E)(6) of section 42597  
3113.31 of the Revised Code, requires the provision of supervision 42598  
or other services related to the exercise of the parenting time 42599  
rights or companionship or visitation rights; 42600

(13) Make investigations at the request of any superintendent 42601  
of schools in the county or the principal of any school concerning 42602  
the application of any child adjudicated to be an abused, 42603  
neglected, or dependent child for release from school, where such 42604  
service is not provided through a school attendance department; 42605

(14) Administer funds provided under Title IV-E of the 42606  
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 42607  
amended, in accordance with rules adopted under section 5101.141 42608  
of the Revised Code; 42609

(15) In addition to administering Title IV-E adoption 42610  
assistance funds, enter into agreements to make adoption 42611  
assistance payments under section 5153.163 of the Revised Code; 42612

(16) Implement a system of safety and risk assessment, in 42613  
accordance with rules adopted by the director of job and family 42614  
services, to assist the public children services agency in 42615  
determining the risk of abuse or neglect to a child; 42616

(17) Enter into a plan of cooperation with the board of 42617  
county commissioners under section 307.983 of the Revised Code and 42618  
comply with each fiscal agreement the board enters into under 42619  
section 307.98 of the Revised Code that include family services 42620  
duties of public children services agencies and contracts the 42621  
board enters into under sections 307.981 and 307.982 of the 42622  
Revised Code that affect the public children services agency; 42623

(18) Make reasonable efforts to prevent the removal of an 42624  
alleged or adjudicated abused, neglected, or dependent child from 42625  
the child's home, eliminate the continued removal of the child 42626  
from the child's home, or make it possible for the child to return 42627  
home safely, except that reasonable efforts of that nature are not 42628  
required when a court has made a determination under division 42629  
(A)(2) of section 2151.419 of the Revised Code; 42630

(19) Make reasonable efforts to place the child in a timely 42631

manner in accordance with the permanency plan approved under 42632  
division (E) of section 2151.417 of the Revised Code and to 42633  
complete whatever steps are necessary to finalize the permanent 42634  
placement of the child; 42635

(20) Administer a Title IV-A program identified under 42636  
division (A)(4)(c) or ~~(g)~~(h) of section 5101.80 of the Revised 42637  
Code that the department of job and family services provides for 42638  
the public children services agency to administer under the 42639  
department's supervision pursuant to section 5101.801 of the 42640  
Revised Code; 42641

(21) Administer the kinship permanency incentive program 42642  
created under section 5101.802 of the Revised Code under the 42643  
supervision of the director of job and family services; 42644

(22) Provide independent living services pursuant to sections 42645  
2151.81 to 2151.84 of the Revised Code; 42646

(23) File a missing child report with a local law enforcement 42647  
agency upon becoming aware that a child in the custody of the 42648  
public children services agency is or may be missing. 42649

(B) The public children services agency shall use the system 42650  
implemented pursuant to division (A)(16) of this section in 42651  
connection with an investigation undertaken pursuant to division 42652  
(G)(1) of section 2151.421 of the Revised Code to assess both of 42653  
the following: 42654

(1) The ongoing safety of the child; 42655

(2) The appropriateness of the intensity and duration of the 42656  
services provided to meet child and family needs throughout the 42657  
duration of a case. 42658

(C) Except as provided in section 2151.422 of the Revised 42659  
Code, in accordance with rules of the director of job and family 42660  
services, and on behalf of children in the county whom the public 42661

children services agency considers to be in need of public care or 42662  
protective services, the public children services agency may do 42663  
the following: 42664

(1) Provide or find, with other child serving systems, 42665  
specialized foster care for the care of children in a specialized 42666  
foster home, as defined in section 5103.02 of the Revised Code, 42667  
certified under section 5103.03 of the Revised Code; 42668

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 42669  
this section, contract with the following for the purpose of 42670  
assisting the agency with its duties: 42671

(i) County departments of job and family services; 42672

(ii) Boards of alcohol, drug addiction, and mental health 42673  
services; 42674

(iii) County boards of developmental disabilities; 42675

(iv) Regional councils of political subdivisions established 42676  
under Chapter 167. of the Revised Code; 42677

(v) Private and government providers of services; 42678

(vi) Managed care organizations and prepaid health plans. 42679

(b) A public children services agency contract under division 42680  
(C)(2)(a) of this section regarding the agency's duties under 42681  
section 2151.421 of the Revised Code may not provide for the 42682  
entity under contract with the agency to perform any service not 42683  
authorized by the department's rules. 42684

(c) Only a county children services board appointed under 42685  
section 5153.03 of the Revised Code that is a public children 42686  
services agency may contract under division (C)(2)(a) of this 42687  
section. If an entity specified in division (B) or (C) of section 42688  
5153.02 of the Revised Code is the public children services agency 42689  
for a county, the board of county commissioners may enter into 42690  
contracts pursuant to section 307.982 of the Revised Code 42691

regarding the agency's duties. 42692

**Sec. 5153.163.** (A) As used in this section, ~~"adoptive:~~ 42693

(1) "Adoptive parent" means, as the context requires, a 42694  
prospective adoptive parent or an adoptive parent. 42695

(2) "Relative" has the same meaning as in section 5101.141 of 42696  
the Revised Code. 42697

(B)(1) Before a child's adoption is finalized, a public 42698  
children services agency may enter into an agreement with the 42699  
child's adoptive parent under which the agency, to the extent 42700  
state funds are available, may make state adoption maintenance 42701  
subsidy payments as needed on behalf of the child when all of the 42702  
following apply: 42703

(a) The child is a child with special needs. 42704

(b) The child was placed in the adoptive home by a public 42705  
children services agency or a private child placing agency and may 42706  
legally be adopted. 42707

(c) The adoptive parent has the capability of providing the 42708  
permanent family relationships needed by the child. 42709

(d) The needs of the child are beyond the economic resources 42710  
of the adoptive parent. 42711

(e) Acceptance of the child as a member of the adoptive 42712  
parent's family would not be in the child's best interest without 42713  
payments on the child's behalf under this section. 42714

(f) The gross income of the adoptive parent's family does not 42715  
exceed one hundred twenty per cent of the median income of a 42716  
family of the same size, including the child, as most recently 42717  
determined for this state by the secretary of health and human 42718  
services under Title XX of the "Social Security Act," 88 Stat. 42719  
2337, 42 U.S.C.A. 1397, as amended. 42720

(g) The child is not eligible for adoption assistance 42721  
payments under Title IV-E of the "Social Security Act," 94 Stat. 42722  
501 (1980), 42 U.S.C.A. 671, as amended. 42723

(2) State adoption maintenance subsidy payment agreements 42724  
must be made by either the public children services agency that 42725  
has permanent custody of the child or the public children services 42726  
agency of the county in which the private child placing agency 42727  
that has permanent custody of the child is located. 42728

(3) State adoption maintenance subsidy payments shall be made 42729  
in accordance with the agreement between the public children 42730  
services agency and the adoptive parent and are subject to an 42731  
annual redetermination of need. 42732

(4) Payments under this division may begin either before or 42733  
after issuance of the final adoption decree, except that payments 42734  
made before issuance of the final adoption decree may be made only 42735  
while the child is living in the adoptive parent's home. 42736  
Preadoption payments may be made for not more than twelve months, 42737  
unless the final adoption decree is not issued within that time 42738  
because of a delay in court proceedings. Payments that begin 42739  
before issuance of the final adoption decree may continue after 42740  
its issuance. 42741

~~(C)(1) If, after the child's adoption is finalized, a public 42742  
children services agency considers a child residing in the county 42743  
served by the agency to be in need of public care or protective 42744  
services, the agency may, to the extent state funds are available 42745  
for this purpose, enter into an agreement with the child's 42746  
adoptive parent under which the agency may make post adoption 42747  
special services subsidy payments on behalf of the child as needed 42748  
when both of the following apply:~~ 42749

~~(a) The child has a physical or developmental handicap or 42750  
mental or emotional condition that either:~~ 42751

~~(i) Existed before the adoption petition was filed; or 42752~~

~~(ii) Developed after the adoption petition was filed and can 42753  
be directly attributed to factors in the child's preadoption 42754  
background, medical history, or biological family's background or 42755  
medical history. 42756~~

~~(b) The agency determines the expenses necessitated by the 42757  
child's handicap or condition are beyond the adoptive parent's 42758  
economic resources. 42759~~

~~(2) Services for which a public children services agency may 42760  
make post adoption special services subsidy payments on behalf of 42761  
a child under this division shall include medical, surgical, 42762  
psychiatric, psychological, and counseling services, including 42763  
residential treatment. 42764~~

~~(3) The department of job and family services shall establish 42765  
clinical standards to evaluate a child's physical or developmental 42766  
handicap or mental or emotional condition and assess the child's 42767  
need for services. 42768~~

~~(4) The total dollar value of post adoption special services 42769  
subsidy payments made on a child's behalf shall not exceed ten 42770  
thousand dollars in any fiscal year, unless the department 42771  
determines that extraordinary circumstances exist that necessitate 42772  
further funding of services for the child. Under such 42773  
extraordinary circumstances, the value of the payments made on the 42774  
child's behalf shall not exceed fifteen thousand dollars in any 42775  
fiscal year. 42776~~

~~(5) The adoptive parent or parents of a child who receives 42777  
post adoption special services subsidy payments shall pay at least 42778  
five per cent of the total cost of all services provided to the 42779  
child; except that a public children services agency may waive 42780  
this requirement if the gross annual income of the child's 42781  
adoptive family is not more than two hundred per cent of the 42782~~

~~federal poverty guideline.~~ 42783

~~(6) A public children services agency may use other sources~~ 42784  
~~of revenue to make post adoption special services subsidy~~ 42785  
~~payments, in addition to any state funds appropriated for that~~ 42786  
~~purpose~~ A public children services agency may enter into an 42787  
agreement with a child's relative under which the agency, to the 42788  
extent state funds are available, may provide state kinship 42789  
guardianship assistance as needed on behalf of the child when all 42790  
of the following apply: 42791

(a) The relative has cared for the eligible child as a foster 42792  
caregiver as defined by section 5103.02 of the Revised Code for at 42793  
least six consecutive months. 42794

(b) Both of the following apply: 42795

(i) A juvenile court issued an order granting legal custody 42796  
of the child to the relative, or a probate court issued an order 42797  
granting guardianship of the child to the relative, and the order 42798  
is not a temporary court order. 42799

(ii) The relative has committed to care for the child on a 42800  
permanent basis. 42801

(c) The relative signed a state kinship guardianship 42802  
assistance agreement prior to assuming legal guardianship or legal 42803  
custody of the child. 42804

(d) The child had been removed from home pursuant to a 42805  
voluntary placement agreement or as a result of a judicial 42806  
determination to the effect that continuation in the home would be 42807  
contrary to the welfare of the child. 42808

(e) Returning the child home or adoption are not appropriate 42809  
permanency options for the child. 42810

(f) The child demonstrates a strong attachment to the 42811  
relative and the relative has a strong commitment to caring 42812

permanently for the child. 42813

(g) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the state kinship guardianship assistance arrangement. 42814  
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(h) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended. 42817  
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(2) The public children services agency that had custody of a child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child described in division (C)(1) of this section is authorized to enter into a state kinship guardianship assistance agreement with that relative. 42820  
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(3) State kinship guardianship assistance for a child shall be provided in accordance with a state kinship guardianship assistance agreement entered into between the public children services agency and relative of the child described in division (C)(1) of this section and is subject to an annual redetermination of need. 42826  
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(4) Not later than fifteen months after the effective date of this section, if the amended state plan submitted under Title IV-E to implement 42 U.S.C. 673(d) as described in section 5101.1416 of the Revised Code is approved, division (C) of this section shall be implemented. 42832  
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(D) No payment shall be made under division (B) or (C) of this section on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a mentally or physically handicapped person twenty-one years of age or older. 42837  
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(E) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code that are 42842  
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needed to implement this section. The rules shall establish all of 42844  
the following: 42845

(1) The application process for all forms of assistance 42846  
provided under this section; 42847

(2) The method to determine the amount of assistance payable 42848  
under division (B) of this section; 42849

(3) The definition of "child with special needs" for this 42850  
section; 42851

(4) The process whereby a child's continuing need for 42852  
services provided under division (B) or (C) of this section is 42853  
annually redetermined; 42854

~~(5) The method of determining the amount, duration, and scope 42855  
of services provided to a child under division (C) of this 42856  
section; 42857~~

~~(6) Any other rule, requirement, or procedure the department 42858  
considers appropriate for the implementation of this section. 42859~~

(F) The state adoption special services subsidy program 42860  
ceases to exist on July 1, 2004, except that, subject to the 42861  
findings of the annual redetermination process established under 42862  
division (E) of this section and the child's individual need for 42863  
services, a public children services agency may continue to 42864  
provide state adoption special services subsidy payments on behalf 42865  
of a child for whom payments were being made prior to July 1, 42866  
2004. 42867

~~(G) No public children services agency shall, pursuant to 42868  
either section 2151.353 or 5103.15 of the Revised Code, place or 42869  
maintain a child with special needs who is in the permanent 42870  
custody of an institution or association certified by the 42871  
department of job and family services under section 5103.03 of the 42872  
Revised Code in a setting other than with a person seeking to 42873~~

~~adopt the child, unless the agency has determined and redetermined  
at intervals of not more than six months the impossibility of  
adoption by a person who wishes to adopt children, and is approved  
by an agency so empowered under Chapter 5103. of the Revised Code,  
or by a person who wishes to adopt a child with special needs as  
defined in rules adopted under this section, and who is approved  
by an agency so empowered under Chapter 5103. of the Revised Code,  
including the impossibility of entering into a payment agreement  
with such a person. The agency so maintaining such a child shall  
report its reasons for doing so to the department of job and  
family services.~~

~~The department may take any action permitted under section  
5101.24 of the Revised Code for an agency's failure to determine,  
redetermine, and report on a child's status.~~

**Sec. 5153.176.** As used in this section, "license" has the  
same meaning as in section 3319.31 of the Revised Code.

(A) Notwithstanding division (I)(1) of section 2151.421,  
section 5153.17, or any other section of the Revised Code  
pertaining to confidentiality, the director of a public children  
services agency shall promptly provide to the superintendent of  
public instruction information regarding the agency's  
investigation of a report of child abuse or neglect made pursuant  
to section 2151.421 of the Revised Code involving a person who  
holds a license ~~issued by the state board of education~~ where the  
agency has determined that child abuse or neglect occurred and  
that abuse or neglect is related to the person's duties and  
responsibilities under the license. The information provided by  
the director shall include the following:

(1) A summary of the nature of the allegations contained in  
the report of which the person is the subject and the final  
disposition of the investigation conducted in response to that

report or, if the investigation is not complete, the status of the 42905  
investigation; 42906

(2) Upon written request of the superintendent of public 42907  
instruction, the additional information described in division (C) 42908  
of this section regarding the agency's investigation of the 42909  
report, unless the prosecuting attorney of the county served by 42910  
the agency determines that such information may not be released 42911  
pursuant to division (B) of this section. 42912

(B) Upon receipt of a written request from the superintendent 42913  
of public instruction for the additional information described in 42914  
division (C) of this section, the director shall determine if the 42915  
prosecuting attorney of the county served by the public children 42916  
services agency intends to prosecute the subject of the report 42917  
based on the allegations contained in the report. If the 42918  
prosecuting attorney intends to prosecute the subject of the 42919  
report, the prosecuting attorney shall determine the information 42920  
described in division (C) of this section that may be released, if 42921  
any, and shall provide the director with written authorization to 42922  
release the information so determined. The director shall provide 42923  
the superintendent of public instruction with any information 42924  
described in division (C) of this section that the prosecuting 42925  
attorney determines may be released, but in no case shall the 42926  
director provide any information that the prosecuting attorney 42927  
determines shall not be released. If the prosecuting attorney does 42928  
not intend to prosecute the subject of the report, the prosecuting 42929  
attorney shall notify the director of that fact and the director 42930  
shall provide all of the information described in division (C) of 42931  
this section to the superintendent of public instruction. 42932

(C) In accordance with division (B) of this section, the 42933  
director shall provide information to the superintendent of public 42934  
instruction regarding the public children services agency's 42935  
investigation of the report described in division (A) of this 42936

section, including, but not limited to, the following:	42937
(1) The following information about the alleged child victim of the abuse or neglect:	42938 42939
(a) Full name;	42940
(b) Date of birth;	42941
(c) Address and telephone number;	42942
(d) Grade level;	42943
(e) Name and contact information of the child's parent, guardian, or legal custodian;	42944 42945
(f) Name and contact information of any medical facility that provided treatment to the child, if the child was injured in connection with the abuse or neglect and if that information is available;	42946 42947 42948 42949
(g) A summary of interviews with the child or, if an entity other than the agency conducted the interviews, the contact information for that entity. The summary shall include an accounting of the facts and circumstances of the alleged abuse or neglect, including, but not limited to, the time and place that the abuse or neglect occurred.	42950 42951 42952 42953 42954 42955
(h) Copies of any written correspondence between the child and the alleged perpetrator of the abuse or neglect that was used by the agency to determine that abuse or neglect occurred, the release of which is not otherwise prohibited by law.	42956 42957 42958 42959
(2) The following information about the alleged perpetrator of the abuse or neglect:	42960 42961
(a) Full name;	42962
(b) Date of birth;	42963
(c) Address and telephone number;	42964
(d) Name of school district and school building that employed	42965

the alleged perpetrator at the time the report was made; 42966

(e) Name and contact information of any medical facility that 42967  
provided treatment to the alleged perpetrator, if the alleged 42968  
perpetrator was injured in connection with the abuse or neglect 42969  
and if that information is available; 42970

(f) A summary of interviews with the alleged perpetrator or, 42971  
if an entity other than the agency conducted the interviews, the 42972  
contact information for that entity. The summary shall include an 42973  
accounting of the facts and circumstances of the alleged abuse or 42974  
neglect, including, but not limited to, the time and place that 42975  
the abuse or neglect occurred. 42976

(g) Copies of any written correspondence between the alleged 42977  
child victim and the alleged perpetrator that was used by the 42978  
agency to determine that abuse or neglect occurred, the release of 42979  
which is not otherwise prohibited by law; 42980

(h) If the alleged perpetrator has been the subject of any 42981  
previous reports made pursuant to section 2151.421 of the Revised 42982  
Code where the agency determined that physical or sexual child 42983  
abuse occurred, a summary of the chronology of those reports; the 42984  
final disposition of the investigations conducted in response to 42985  
those reports, or if an investigation is not complete, the status 42986  
of that investigation; and any underlying documentation concerning 42987  
those reports. 42988

(3) The following information about each person, other than 42989  
the alleged child victim and the alleged perpetrator, whom the 42990  
agency has determined to be important to the investigation, except 42991  
that the information shall not be provided about the person who 42992  
made the report unless that person grants written permission for 42993  
the director to release the information: 42994

(a) Full name; 42995

(b) Address and telephone number; 42996

(c) If the person has been interviewed regarding the alleged 42997  
abuse or neglect, a summary of those interviews or, if an entity 42998  
other than the agency conducted the interviews, the contact 42999  
information for such entity. 43000

(D) Upon provision of any information to the superintendent 43001  
of public instruction under this section, the director shall 43002  
notify the superintendent of both of the following: 43003

(1) That the information is confidential; 43004

(2) That unauthorized dissemination of the information is a 43005  
violation of division (I)(2) of section 2151.421 and section 43006  
3319.311 of the Revised Code and any person who permits or 43007  
encourages unauthorized dissemination of the information is guilty 43008  
of a misdemeanor of the fourth degree pursuant to section 2151.99 43009  
of the Revised Code. 43010

If the director determines that the superintendent of public 43011  
instruction or any person involved in the conduct of an 43012  
investigation under section 3319.311 of the Revised Code 43013  
committed, caused, permitted, or encouraged the unauthorized 43014  
dissemination of any information provided under this section, the 43015  
director shall provide written notification of the unauthorized 43016  
dissemination to the prosecuting attorney of the county or the 43017  
village solicitor, city director of law, or similar chief legal 43018  
officer of the municipal corporation in which the unauthorized 43019  
dissemination occurred. A copy of the notification shall be 43020  
retained in the investigative record maintained by the public 43021  
children services agency. 43022

(E) The director shall include documentation of the 43023  
information provided to the superintendent of public instruction 43024  
under this section in the investigative record maintained by the 43025  
public children services agency. The documentation shall include 43026  
the following: 43027

(1) A list of the information provided;	43028
(2) The date the information was provided;	43029
(3) If the superintendent of public instruction designates a person to receive the information on the superintendent's behalf, the name of that person;	43030 43031 43032
(4) The reason for providing the information;	43033
(5) If written authorization to provide the information is required from the prosecuting attorney under division (B) of this section, a copy of that authorization.	43034 43035 43036
(F) No director of a public children services agency shall knowingly fail to comply with division (A) or (C) of this section.	43037 43038
(G) A director of a public children services agency who provides information to the superintendent of public instruction in accordance with this section in good faith shall be immune from any civil or criminal liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information.	43039 43040 43041 43042 43043 43044
(H) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the provisions of this section prevail over any conflicting provisions of a collective bargaining agreement or contract for employment entered into after March 30, 2007.	43045 43046 43047 43048 43049
<b>Sec. 5165.01.</b> As used in this chapter:	43050
(A) "Affiliated operator" means an operator affiliated with either of the following:	43051 43052
(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator	43053 43054 43055 43056

owes; 43057

(2) The entering operator involved in the change of operator 43058  
with the exiting operator specified in division (A)(1) of this 43059  
section. 43060

(B) "Allowable costs" are a nursing facility's costs that the 43061  
department of medicaid determines are reasonable. Fines paid under 43062  
sections 5165.60 to 5165.89 and section 5165.99 of the Revised 43063  
Code are not allowable costs. 43064

(C) "Ancillary and support costs" means all reasonable costs 43065  
incurred by a nursing facility other than direct care costs, tax 43066  
costs, or capital costs. "Ancillary and support costs" includes, 43067  
but is not limited to, costs of activities, social services, 43068  
pharmacy consultants, habilitation supervisors, qualified 43069  
intellectual disability professionals, program directors, medical 43070  
and habilitation records, program supplies, incontinence supplies, 43071  
food, enterals, dietary supplies and personnel, laundry, 43072  
housekeeping, security, administration, medical equipment, 43073  
utilities, liability insurance, bookkeeping, purchasing 43074  
department, human resources, communications, travel, dues, license 43075  
fees, subscriptions, home office costs not otherwise allocated, 43076  
legal services, accounting services, minor equipment, maintenance 43077  
and repairs, help-wanted advertising, informational advertising, 43078  
start-up costs, organizational expenses, other interest, property 43079  
insurance, employee training and staff development, employee 43080  
benefits, payroll taxes, and workers' compensation premiums or 43081  
costs for self-insurance claims and related costs as specified in 43082  
rules adopted under section 5165.02 of the Revised Code, for 43083  
personnel listed in this division. "Ancillary and support costs" 43084  
also means the cost of equipment, including vehicles, acquired by 43085  
operating lease executed before December 1, 1992, if the costs are 43086  
reported as administrative and general costs on the nursing 43087  
facility's cost report for the cost reporting period ending 43088

December 31, 1992. 43089

(D) "Applicable calendar year" means the calendar year 43090  
immediately preceding the calendar year that precedes the first of 43091  
the state fiscal years for which a rebasing is conducted. 43092

~~(E)(1)~~(E) For purposes of calculating a critical access 43093  
nursing facility's occupancy rate and utilization rate under this 43094  
chapter, "as of the last day of the calendar year" refers to the 43095  
occupancy and utilization rates for the entire cost reporting 43096  
period for which the nursing facility participated in the medicaid 43097  
program during the calendar year and identified in the cost report 43098  
filed under section 5165.10 of the Revised Code. 43099

(F)(1) "Capital costs" means the actual expense incurred by a 43100  
nursing facility for all of the following: 43101

(a) Depreciation and interest on any capital assets that cost 43102  
five hundred dollars or more per item, including the following: 43103

(i) Buildings; 43104

(ii) Building improvements; 43105

(iii) Except as provided in division ~~(C)~~(D) of this section, 43106  
equipment; 43107

(iv) Transportation equipment. 43108

(b) Amortization and interest on land improvements and 43109  
leasehold improvements; 43110

(c) Amortization of financing costs; 43111

(d) Lease and rent of land, buildings, and equipment. 43112

(2) The costs of capital assets of less than five hundred 43113  
dollars per item may be considered capital costs in accordance 43114  
with a provider's practice. 43115

~~(F)~~(G) "Capital lease" and "operating lease" shall be 43116  
construed in accordance with generally accepted accounting 43117

principles. 43118

~~(G)~~(H) "Case-mix score" means a measure determined under 43119  
section 5165.192 of the Revised Code of the relative direct-care 43120  
resources needed to provide care and habilitation to a nursing 43121  
facility resident. 43122

~~(H)~~(I) "Change of operator" means an entering operator 43123  
becoming the operator of a nursing facility in the place of the 43124  
exiting operator. 43125

(1) Actions that constitute a change of operator include the 43126  
following: 43127

(a) A change in an exiting operator's form of legal 43128  
organization, including the formation of a partnership or 43129  
corporation from a sole proprietorship; 43130

(b) A transfer of all the exiting operator's ownership 43131  
interest in the operation of the nursing facility to the entering 43132  
operator, regardless of whether ownership of any or all of the 43133  
real property or personal property associated with the nursing 43134  
facility is also transferred; 43135

(c) A lease of the nursing facility to the entering operator 43136  
or the exiting operator's termination of the exiting operator's 43137  
lease; 43138

(d) If the exiting operator is a partnership, dissolution of 43139  
the partnership; 43140

(e) If the exiting operator is a partnership, a change in 43141  
composition of the partnership unless both of the following apply: 43142

(i) The change in composition does not cause the 43143  
partnership's dissolution under state law. 43144

(ii) The partners agree that the change in composition does 43145  
not constitute a change in operator. 43146

(f) If the operator is a corporation, dissolution of the 43147

corporation, a merger of the corporation into another corporation 43148  
that is the survivor of the merger, or a consolidation of one or 43149  
more other corporations to form a new corporation. 43150

(2) The following, alone, do not constitute a change of 43151  
operator: 43152

(a) A contract for an entity to manage a nursing facility as 43153  
the operator's agent, subject to the operator's approval of daily 43154  
operating and management decisions; 43155

(b) A change of ownership, lease, or termination of a lease 43156  
of real property or personal property associated with a nursing 43157  
facility if an entering operator does not become the operator in 43158  
place of an exiting operator; 43159

(c) If the operator is a corporation, a change of one or more 43160  
members of the corporation's governing body or transfer of 43161  
ownership of one or more shares of the corporation's stock, if the 43162  
same corporation continues to be the operator. 43163

~~(I)~~(J) "Cost center" means the following: 43164

(1) Ancillary and support costs; 43165

(2) Capital costs; 43166

(3) Direct care costs; 43167

(4) Tax costs. 43168

~~(J)~~(K) "Custom wheelchair" means a wheelchair to which both 43169  
of the following apply: 43170

(1) It has been measured, fitted, or adapted in consideration 43171  
of either of the following: 43172

(a) The body size or disability of the individual who is to 43173  
use the wheelchair; 43174

(b) The individual's period of need for, or intended use of, 43175  
the wheelchair. 43176

(2) It has customized features, modifications, or components, 43177  
such as adaptive seating and positioning systems, that the 43178  
supplier who assembled the wheelchair, or the manufacturer from 43179  
which the wheelchair was ordered, added or made in accordance with 43180  
the instructions of the physician of the individual who is to use 43181  
the wheelchair. 43182

~~(K)(1)~~(L)(1) "Date of licensure" means the following: 43183

(a) In the case of a nursing facility that was required by 43184  
law to be licensed as a nursing home under Chapter 3721. of the 43185  
Revised Code when it originally began to be operated as a nursing 43186  
home, the date the nursing facility was originally so licensed; 43187

(b) In the case of a nursing facility that was not required 43188  
by law to be licensed as a nursing home when it originally began 43189  
to be operated as a nursing home, the date it first began to be 43190  
operated as a nursing home, regardless of the date the nursing 43191  
facility was first licensed as a nursing home. 43192

(2) If, after a nursing facility's original date of 43193  
licensure, more nursing home beds are added to the nursing 43194  
facility, the nursing facility has a different date of licensure 43195  
for the additional beds. This does not apply, however, to 43196  
additional beds when both of the following apply: 43197

(a) The additional beds are located in a part of the nursing 43198  
facility that was constructed at the same time as the continuing 43199  
beds already located in that part of the nursing facility; 43200

(b) The part of the nursing facility in which the additional 43201  
beds are located was constructed as part of the nursing facility 43202  
at a time when the nursing facility was not required by law to be 43203  
licensed as a nursing home. 43204

(3) The definition of "date of licensure" in this section 43205  
applies in determinations of nursing facilities' medicaid payment 43206  
rates but does not apply in determinations of nursing facilities' 43207

franchise permit fees. 43208

~~(I)~~(M) "Desk-reviewed" means that a nursing facility's costs 43209  
as reported on a cost report submitted under section 5165.10 of 43210  
the Revised Code have been subjected to a desk review under 43211  
section 5165.108 of the Revised Code and preliminarily determined 43212  
to be allowable costs. 43213

~~(M)~~(N) "Direct care costs" means all of the following costs 43214  
incurred by a nursing facility: 43215

(1) Costs for registered nurses, licensed practical nurses, 43216  
and nurse aides employed by the nursing facility; 43217

(2) Costs for direct care staff, administrative nursing 43218  
staff, medical directors, respiratory therapists, and except as 43219  
provided in division ~~(M)~~~~(8)~~(N)(8) of this section, other persons 43220  
holding degrees qualifying them to provide therapy; 43221

(3) Costs of purchased nursing services; 43222

(4) Costs of quality assurance; 43223

(5) Costs of training and staff development, employee 43224  
benefits, payroll taxes, and workers' compensation premiums or 43225  
costs for self-insurance claims and related costs as specified in 43226  
rules adopted under section 5165.02 of the Revised Code, for 43227  
personnel listed in divisions ~~(M)~~~~(1)~~(N)(1), (2), (4), and (8) of 43228  
this section; 43229

(6) Costs of consulting and management fees related to direct 43230  
care; 43231

(7) Allocated direct care home office costs; 43232

(8) Costs of habilitation staff (other than habilitation 43233  
supervisors), medical supplies, emergency oxygen, over-the-counter 43234  
pharmacy products, physical therapists, physical therapy 43235  
assistants, occupational therapists, occupational therapy 43236  
assistants, speech therapists, audiologists, habilitation 43237

supplies, and universal precautions supplies;	43238
(9) Costs of wheelchairs other than the following:	43239
(a) Custom wheelchairs;	43240
(b) Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.	43241 43242 43243
(10) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the Revised Code.	43244 43245 43246
<del>(N)</del> <u>(O)</u> "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	43247 43248
<del>(O)</del> <u>(P)</u> "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility.	43249 43250 43251
<del>(P)</del> <u>(Q)</u> "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility.	43252 43253 43254
<del>(Q)</del> <u>(R)</u> "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility.	43255 43256 43257
<del>(R)</del> <u>(S)</u> "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation.	43258 43259 43260 43261 43262
<del>(S)</del> <u>(T)</u> "Entering operator" means the person or government entity that will become the operator of a nursing facility when a change of operator occurs or following an involuntary termination.	43263 43264 43265
<del>(T)</del> <u>(U)</u> "Exiting operator" means any of the following:	43266

(1) An operator that will cease to be the operator of a nursing facility on the effective date of a change of operator; 43267  
43268

(2) An operator that will cease to be the operator of a nursing facility on the effective date of a facility closure; 43269  
43270

(3) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation; 43271  
43272

(4) An operator of a nursing facility that is undergoing or has undergone an involuntary termination. 43273  
43274

~~(U)(1)~~(V)(1) Subject to divisions ~~(U)(2)~~(V)(2) and (3) of this section, "facility closure" means either of the following: 43275  
43276

(a) Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility that results in the relocation of all of the nursing facility's residents; 43277  
43278  
43279  
43280

(b) Conversion of the building, or part of the building, that houses a nursing facility to a different use with any necessary license or other approval needed for that use being obtained and one or more of the nursing facility's residents remaining in the building, or part of the building, to receive services under the new use. 43281  
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43283  
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(2) A facility closure occurs regardless of any of the following: 43287  
43288

(a) The operator completely or partially replacing the nursing facility by constructing a new nursing facility or transferring the nursing facility's license to another nursing facility; 43289  
43290  
43291  
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(b) The nursing facility's residents relocating to another of the operator's nursing facilities; 43293  
43294

(c) Any action the department of health takes regarding the nursing facility's medicaid certification that may result in the 43295  
43296

transfer of part of the nursing facility's survey findings to 43297  
another of the operator's nursing facilities; 43298

(d) Any action the department of health takes regarding the 43299  
nursing facility's license under Chapter 3721. of the Revised 43300  
Code. 43301

(3) A facility closure does not occur if all of the nursing 43302  
facility's residents are relocated due to an emergency evacuation 43303  
and one or more of the residents return to a medicaid-certified 43304  
bed in the nursing facility not later than thirty days after the 43305  
evacuation occurs. 43306

~~(V)~~(W) "Franchise permit fee" means the fee imposed by 43307  
sections 5168.40 to 5168.56 of the Revised Code. 43308

~~(W)~~(X) "Inpatient days" means both of the following: 43309

(1) All days during which a resident, regardless of payment 43310  
source, occupies a licensed bed in a nursing facility ~~that is~~ 43311  
~~included in the nursing facility's medicaid-certified capacity;~~ 43312

(2) Fifty per cent of the days for which payment is made 43313  
under section 5165.34 of the Revised Code. 43314

~~(X)~~(Y) "Involuntary termination" means the department of 43315  
medicaid's termination of the operator's provider agreement for 43316  
the nursing facility when the termination is not taken at the 43317  
operator's request. 43318

~~(Y)~~(Z) "Low resource utilization resident" means a medicaid 43319  
recipient residing in a nursing facility who, for purposes of 43320  
calculating the nursing facility's medicaid payment rate for 43321  
direct care costs, is placed in either of the two lowest resource 43322  
utilization groups, excluding any resource utilization group that 43323  
is a default group used for residents with incomplete assessment 43324  
data. 43325

~~(Z)~~(AA) "Maintenance and repair expenses" means a nursing 43326

facility's expenditures that are necessary and proper to maintain 43327  
an asset in a normally efficient working condition and that do not 43328  
extend the useful life of the asset two years or more. 43329

"Maintenance and repair expenses" includes but is not limited to 43330  
the costs of ordinary repairs such as painting and wallpapering. 43331

~~(AA)~~(BB) "Medicaid-certified capacity" means the number of a 43332  
nursing facility's beds that are certified for participation in 43333  
medicaid as nursing facility beds. 43334

~~(BB)~~(CC) "Medicaid days" means both of the following: 43335

(1) All days during which a resident who is a medicaid 43336  
recipient eligible for nursing facility services occupies a bed in 43337  
a nursing facility that is included in the nursing facility's 43338  
medicaid-certified capacity; 43339

(2) Fifty per cent of the days for which payment is made 43340  
under section 5165.34 of the Revised Code. 43341

~~(CC)~~~~(1)~~(DD)(1) "New nursing facility" means a nursing 43342  
facility for which the provider obtains an initial provider 43343  
agreement following medicaid certification of the nursing facility 43344  
by the director of health, including such a nursing facility that 43345  
replaces one or more nursing facilities for which a provider 43346  
previously held a provider agreement. 43347

(2) "New nursing facility" does not mean a nursing facility 43348  
for which the entering operator seeks a provider agreement 43349  
pursuant to section 5165.511 or 5165.512 or (pursuant to section 43350  
5165.515) section 5165.07 of the Revised Code. 43351

~~(DD)~~(EE) "Nursing facility" has the same meaning as in the 43352  
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 43353

~~(EE)~~(FF) "Nursing facility services" has the same meaning as 43354  
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 43355

~~(FF)~~(GG) "Nursing home" has the same meaning as in section 43356

3721.01 of the Revised Code. 43357

~~(GG)~~(HH) "Occupancy rate" means the percentage of licensed 43358  
beds that, regardless of payer source, are either of the 43359  
following: 43360

(1) Reserved for use under section 5165.34 of the Revised 43361  
Code; 43362

(2) Actually being used. 43363

(II) "Operator" means the person or government entity 43364  
responsible for the daily operating and management decisions for a 43365  
nursing facility. 43366

~~(HH)~~(1)(JJ)(1) "Owner" means any person or government entity 43367  
that has at least five per cent ownership or interest, either 43368  
directly, indirectly, or in any combination, in any of the 43369  
following regarding a nursing facility: 43370

(a) The land on which the nursing facility is located; 43371

(b) The structure in which the nursing facility is located; 43372

(c) Any mortgage, contract for deed, or other obligation 43373  
secured in whole or in part by the land or structure on or in 43374  
which the nursing facility is located; 43375

(d) Any lease or sublease of the land or structure on or in 43376  
which the nursing facility is located. 43377

(2) "Owner" does not mean a holder of a debenture or bond 43378  
related to the nursing facility and purchased at public issue or a 43379  
regulated lender that has made a loan related to the nursing 43380  
facility unless the holder or lender operates the nursing facility 43381  
directly or through a subsidiary. 43382

~~(II)~~(KK) "Per diem" means a nursing facility's actual, 43383  
allowable costs in a given cost center in a cost reporting period, 43384  
divided by the nursing facility's inpatient days for that cost 43385  
reporting period. 43386

~~(JJ)~~(LL) "Provider" means an operator with a provider agreement. 43387  
43388

~~(KK)~~(MM) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of a nursing facility for the provision of nursing facility services under the medicaid program. 43389  
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~~(LL)~~(NN) "Purchased nursing services" means services that are provided in a nursing facility by registered nurses, licensed practical nurses, or nurse aides who are not employees of the nursing facility. 43394  
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~~(MM)~~(OO) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of patient care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider. 43398  
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43404

~~(NN)~~(PP) "Rebasing" means a redetermination of each of the following using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous rebasing: 43405  
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43407  
43408

(1) Each peer group's rate for ancillary and support costs as determined pursuant to division (C) of section 5165.16 of the Revised Code; 43409  
43410  
43411

(2) Each peer group's rate for capital costs as determined pursuant to division (C) of section 5165.17 of the Revised Code; 43412  
43413

(3) Each peer group's cost per case-mix unit as determined pursuant to division (C) of section 5165.19 of the Revised Code; 43414  
43415

(4) Each nursing facility's rate for tax costs as determined 43416

pursuant to section 5165.21 of the Revised Code. 43417

~~(00)~~(00) "Related party" means an individual or organization 43418  
that, to a significant extent, has common ownership with, is 43419  
associated or affiliated with, has control of, or is controlled 43420  
by, the provider. 43421

(1) An individual who is a relative of an owner is a related 43422  
party. 43423

(2) Common ownership exists when an individual or individuals 43424  
possess significant ownership or equity in both the provider and 43425  
the other organization. Significant ownership or equity exists 43426  
when an individual or individuals possess five per cent ownership 43427  
or equity in both the provider and a supplier. Significant 43428  
ownership or equity is presumed to exist when an individual or 43429  
individuals possess ten per cent ownership or equity in both the 43430  
provider and another organization from which the provider 43431  
purchases or leases real property. 43432

(3) Control exists when an individual or organization has the 43433  
power, directly or indirectly, to significantly influence or 43434  
direct the actions or policies of an organization. 43435

(4) An individual or organization that supplies goods or 43436  
services to a provider shall not be considered a related party if 43437  
all of the following conditions are met: 43438

(a) The supplier is a separate bona fide organization. 43439

(b) A substantial part of the supplier's business activity of 43440  
the type carried on with the provider is transacted with others 43441  
than the provider and there is an open, competitive market for the 43442  
types of goods or services the supplier furnishes. 43443

(c) The types of goods or services are commonly obtained by 43444  
other nursing facilities from outside organizations and are not a 43445  
basic element of patient care ordinarily furnished directly to 43446

patients by nursing facilities. 43447

(d) The charge to the provider is in line with the charge for 43448  
the goods or services in the open market and no more than the 43449  
charge made under comparable circumstances to others by the 43450  
supplier. 43451

~~(PP)~~ (RR) "Relative of owner" means an individual who is 43452  
related to an owner of a nursing facility by one of the following 43453  
relationships: 43454

(1) Spouse; 43455

(2) Natural parent, child, or sibling; 43456

(3) Adopted parent, child, or sibling; 43457

(4) Stepparent, stepchild, stepbrother, or stepsister; 43458

(5) Father-in-law, mother-in-law, son-in-law, 43459  
daughter-in-law, brother-in-law, or sister-in-law; 43460

(6) Grandparent or grandchild; 43461

(7) Foster caregiver, foster child, foster brother, or foster 43462  
sister. 43463

~~(QQ)~~ (SS) "Residents' rights advocate" has the same meaning as 43464  
in section 3721.10 of the Revised Code. 43465

~~(RR)~~ (TT) "Skilled nursing facility" has the same meaning as 43466  
in the "Social Security Act," section 1819(a), 42 U.S.C. 43467  
1395i-3(a). 43468

~~(SS)~~ (UU) "State fiscal year" means the fiscal year of this 43469  
state, as specified in section 9.34 of the Revised Code. 43470

~~(TT)~~ (VV) "Sponsor" has the same meaning as in section 3721.10 43471  
of the Revised Code. 43472

~~(UU)~~ (WW) "Tax costs" means the costs of taxes imposed under 43473  
Chapter 5751. of the Revised Code, real estate taxes, personal 43474  
property taxes, and corporate franchise taxes. 43475

~~(VV)~~(XX) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq. 43476  
43477

~~(WW)~~(YY) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq. 43478  
43479

~~(XX)~~ (ZZ) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility. 43480  
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**Sec. 5165.15.** Except as otherwise provided by sections 5165.151 to 5165.157 and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility services the provider's nursing facility provides during a state fiscal year shall be determined as follows: 43484  
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43489

(A) Determine the sum of all of the following: 43490

(1) The per medicaid day payment rate for ancillary and support costs determined for the nursing facility under section 5165.16 of the Revised Code; 43491  
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43493

(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code; 43494  
43495  
43496

(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code; 43497  
43498  
43499

(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code; 43500  
43501  
43502

(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code. 43503  
43504  
43505

(B) To the sum determined under division (A) of this section, 43506  
add sixteen dollars and forty-four cents. 43507

(C) From the sum determined under division (B) of this 43508  
section, subtract one dollar and seventy-nine cents. 43509

~~(D) To the difference determined under division (C) of this 43510  
section, add the per medicaid day quality payment rate determined 43511  
for the nursing facility under section 5165.25 of the Revised 43512  
Code. 43513~~

~~(E) To the sum determined under division (D) of this section, 43514  
add, for state fiscal year 2021, the per medicaid day quality 43515  
incentive payment rate determined for the nursing facility under 43516  
section 5165.26 of the Revised Code. 43517~~

**Sec. 5165.151.** (A) The total per medicaid day payment rate 43518  
determined under section 5165.15 of the Revised Code shall not be 43519  
the initial rate for nursing facility services provided by a new 43520  
nursing facility. Instead, the initial total per medicaid day 43521  
payment rate for nursing facility services provided by a new 43522  
nursing facility shall be determined in the following manner: 43523

(1) The initial rate for ancillary and support costs shall be 43524  
the rate for the new nursing facility's peer group determined 43525  
under division (C) of section 5165.16 of the Revised Code. 43526

(2) The initial rate for capital costs shall be the rate for 43527  
the new nursing facility's peer group determined under division 43528  
(C) of section 5165.17 of the Revised Code; 43529

(3) The initial rate for direct care costs shall be the 43530  
product of the cost per case-mix unit determined under division 43531  
(C) of section 5165.19 of the Revised Code for the new nursing 43532  
facility's peer group and the new nursing facility's case-mix 43533  
score determined under division (B) of this section. 43534

(4) The initial rate for tax costs shall be the following: 43535

(a) If the provider of the new nursing facility submits to the department of medicaid the nursing facility's projected tax costs for the calendar year in which the provider obtains an initial provider agreement for the new nursing facility, an amount determined by dividing those projected tax costs by the number of inpatient days the nursing facility would have for that calendar year if its occupancy rate were one hundred per cent;

(b) If division (A)(4)(a) of this section does not apply, the median rate for tax costs for the new nursing facility's peer group in which the nursing facility is placed under division (B) of section 5165.16 of the Revised Code.

~~(5) The quality payment shall be the mean quality payment rate determined for nursing facilities under section 5165.25 of the Revised Code.~~

~~(6)~~ Fourteen dollars and sixty-five cents shall be added to the sum of the rates and payment specified in divisions (A)(1) to ~~(5)~~(4) of this section.

(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following:

(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group;

(2) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the semiannual case-mix score most recently determined under section 5165.192 of the Revised Code for the replaced nursing facility as adjusted, if necessary, to reflect any difference in the number of beds in the replaced and new

nursing facilities. 43567

(C) Subject to division (D) of this section, the department 43568  
of medicaid shall adjust the rates established under division (A) 43569  
of this section effective the first day of July, to reflect new 43570  
rate calculations for all nursing facilities under this chapter. 43571

(D) If a rate for direct care costs is determined under this 43572  
section for a new nursing facility using the median annual average 43573  
case-mix score for the new nursing facility's peer group, the rate 43574  
shall be redetermined to reflect the new nursing facility's actual 43575  
semiannual average case-mix score determined under section 43576  
5165.192 of the Revised Code after the new nursing facility 43577  
submits its first two quarterly assessment data that qualify for 43578  
use in calculating a case-mix score in accordance with rules 43579  
authorized by section 5165.192 of the Revised Code. If the new 43580  
nursing facility's quarterly submissions do not qualify for use in 43581  
calculating a case-mix score, the department shall continue to use 43582  
the median annual average case-mix score for the new nursing 43583  
facility's peer group in lieu of the new nursing facility's 43584  
semiannual case-mix score until the new nursing facility submits 43585  
two consecutive quarterly assessment data that qualify for use in 43586  
calculating a case-mix score. 43587

**Sec. 5165.16.** (A) The department of medicaid shall determine 43588  
each nursing facility's per medicaid day payment rate for 43589  
ancillary and support costs. A nursing facility's rate shall be 43590  
the rate determined under division (C) of this section for the 43591  
nursing facility's peer group. 43592

(B) For the purpose of determining nursing facilities' rates 43593  
for ancillary and support costs, the department shall establish 43594  
six peer groups composed as follows: 43595

(1) Each nursing facility located in any of the following 43596  
counties shall be placed in peer group one or two: Brown, Butler, 43597

Clermont, Clinton, Hamilton, and Warren. Each nursing facility 43598  
located in any of those counties that has fewer than one hundred 43599  
beds shall be placed in peer group one. Each nursing facility 43600  
located in any of those counties that has one hundred or more beds 43601  
shall be placed in peer group two. 43602

(2) Each nursing facility located in any of the following 43603  
counties shall be placed in peer group three or four: Allen, 43604  
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 43605  
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 43606  
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 43607  
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 43608  
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 43609  
nursing facility located in any of those counties that has fewer 43610  
than one hundred beds shall be placed in peer group three. Each 43611  
nursing facility located in any of those counties that has one 43612  
hundred or more beds shall be placed in peer group four. 43613

(3) Each nursing facility located in any of the following 43614  
counties shall be placed in peer group five or six: Adams, 43615  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 43616  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 43617  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 43618  
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 43619  
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 43620  
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 43621  
and Wyandot. Each nursing facility located in any of those 43622  
counties that has fewer than one hundred beds shall be placed in 43623  
peer group five. Each nursing facility located in any of those 43624  
counties that has one hundred or more beds shall be placed in peer 43625  
group six. 43626

(C)(1) The department shall determine the rate for ancillary 43627  
and support costs for each peer group established under division 43628  
(B) of this section. The rate for ancillary and support costs 43629

determined under this division for a peer group shall be used for 43630  
subsequent years until the department conducts a rebasing. To 43631  
determine a peer group's rate for ancillary and support costs, the 43632  
department shall do all of the following: 43633

(a) ~~Subject to division (C)(2) of this section, determine~~ 43634  
Determine the rate for ancillary and support costs for each 43635  
nursing facility in the peer group for the applicable calendar 43636  
year by using the greater of the nursing facility's actual 43637  
inpatient days for the applicable calendar year or the inpatient 43638  
days the nursing facility would have had for the applicable 43639  
calendar year if its occupancy rate had been ninety per cent; 43640

(b) Subject to division ~~(C)(3)~~ (C)(2) of this section, 43641  
identify which nursing facility in the peer group is at the 43642  
twenty-fifth percentile of the rate for ancillary and support 43643  
costs for the applicable calendar year determined under division 43644  
(C)(1)(a) of this section; 43645

(c) Multiply the rate for ancillary and support costs 43646  
determined under division (C)(1)(a) of this section for the 43647  
nursing facility identified under division (C)(1)(b) of this 43648  
section by the rate of inflation for the eighteen-month period 43649  
beginning on the first day of July of the applicable calendar year 43650  
and ending the last day of December of the calendar year 43651  
immediately following the applicable calendar year using the 43652  
following: 43653

(i) Except as provided in division (C)(1)(c)(ii) of this 43654  
section, the consumer price index for all items for all urban 43655  
consumers for the midwest region, published by the United States 43656  
bureau of labor statistics; 43657

(ii) If the United States bureau of labor statistics ceases 43658  
to publish the index specified in division (C)(1)(c)(i) of this 43659  
section, the index the bureau subsequently publishes that covers 43660

urban consumers' prices for items for the region that includes 43661  
this state. 43662

~~(2) For the purpose of determining a nursing facility's 43663  
occupancy rate under division (C)(1)(a) of this section, the 43664  
department shall include any beds that the nursing facility 43665  
removes from its medicaid-certified capacity unless the nursing 43666  
facility also removes the beds from its licensed bed capacity. 43667~~

~~(3)~~ In making the identification under division (C)(1)(b) of 43668  
this section, the department shall exclude both of the following: 43669

(a) Nursing facilities that participated in the medicaid 43670  
program under the same provider for less than twelve months in the 43671  
applicable calendar year; 43672

(b) Nursing facilities whose ancillary and support costs are 43673  
more than one standard deviation from the mean desk-reviewed, 43674  
actual, allowable, per diem ancillary and support cost for all 43675  
nursing facilities in the nursing facility's peer group for the 43676  
applicable calendar year. 43677

~~(4)~~(3) The department shall not redetermine a peer group's 43678  
rate for ancillary and support costs under this division based on 43679  
additional information that it receives after the rate is 43680  
determined. The department shall redetermine a peer group's rate 43681  
for ancillary and support costs only if the department made an 43682  
error in determining the rate based on information available to 43683  
the department at the time of the original determination. 43684

**Sec. 5165.17.** (A) The department of medicaid shall determine 43685  
each nursing facility's per medicaid day payment rate for capital 43686  
costs. A nursing facility's rate shall be the rate determined 43687  
under division (C) of this section for the nursing facility's peer 43688  
group. 43689

(B) For the purpose of determining nursing facilities' rates 43690

for capital costs, the department shall establish six peer groups. 43691

(1) Each nursing facility located in any of the following 43692  
counties shall be placed in peer group one or two: Brown, Butler, 43693  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 43694  
located in any of those counties that has fewer than one hundred 43695  
beds shall be placed in peer group one. Each nursing facility 43696  
located in any of those counties that has one hundred or more beds 43697  
shall be placed in peer group two. 43698

(2) Each nursing facility located in any of the following 43699  
counties shall be placed in peer group three or four: Allen, 43700  
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 43701  
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 43702  
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 43703  
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 43704  
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 43705  
nursing facility located in any of those counties that has fewer 43706  
than one hundred beds shall be placed in peer group three. Each 43707  
nursing facility located in any of those counties that has one 43708  
hundred or more beds shall be placed in peer group four. 43709

(3) Each nursing facility located in any of the following 43710  
counties shall be placed in peer group five or six: Adams, 43711  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 43712  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 43713  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 43714  
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 43715  
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 43716  
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 43717  
and Wyandot. Each nursing facility located in any of those 43718  
counties that has fewer than one hundred beds shall be placed in 43719  
peer group five. Each nursing facility located in any of those 43720  
counties that has one hundred or more beds shall be placed in peer 43721  
group six. 43722

(C)(1) The department shall determine the rate for capital 43723  
costs for each peer group established under division (B) of this 43724  
section. The rate for capital costs determined under this division 43725  
for a peer group shall be used for subsequent years until the 43726  
department conducts a rebasing. A peer group's rate for capital 43727  
costs shall be the rate for capital costs for the nursing facility 43728  
in the peer group that is at the twenty-fifth percentile of the 43729  
rate for capital costs for the applicable calendar year. 43730

(2) To identify the nursing facility in a peer group that is 43731  
at the twenty-fifth percentile of the rate for capital costs for 43732  
the applicable calendar year, the department shall do both of the 43733  
following: 43734

(a) ~~Subject to division (C)(3) of this section, use~~ Use the 43735  
greater of each nursing facility's actual inpatient days for the 43736  
applicable calendar year or the inpatient days the nursing 43737  
facility would have had for the applicable calendar year if its 43738  
occupancy rate had been one hundred per cent; 43739

(b) Exclude both of the following: 43740

(i) Nursing facilities that participated in the medicaid 43741  
program under the same provider for less than twelve months in the 43742  
applicable calendar year; 43743

(ii) Nursing facilities whose capital costs are more than one 43744  
standard deviation from the mean desk-reviewed, actual, allowable, 43745  
per diem capital cost for all nursing facilities in the nursing 43746  
facility's peer group for the applicable calendar year. 43747

(3) ~~For the purpose of determining a nursing facility's~~ 43748  
~~occupancy rate under division (C)(2)(a) of this section, the~~ 43749  
~~department shall include any beds that the nursing facility~~ 43750  
~~removes from its medicaid certified capacity after June 30, 2005,~~ 43751  
~~unless the nursing facility also removes the beds from its~~ 43752  
~~licensed bed capacity.~~ 43753

~~(4)~~ The department shall not redetermine a peer group's rate for capital costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for capital costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

(D) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight-line method over a period designated in rules adopted under section 5165.02 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department. Any rules authorized by this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in capital costs unless that part of the payment under this chapter is used to reimburse the government agency.

(E) The capital cost basis of nursing facility assets shall be determined in the following manner:

(1) Except as provided in division (E)(3) of this section, for purposes of calculating the rates to be paid for facilities with dates of licensure on or before June 30, 1993, the capital cost basis of each asset shall be equal to the desk-reviewed, actual, allowable, capital cost basis that is listed on the facility's cost report for the calendar year preceding the state fiscal year during which the rate will be paid.

(2) For facilities with dates of licensure after June 30, 1993, the capital cost basis shall be determined in accordance with the principles of the medicare program, except as otherwise

provided in this chapter. 43786

(3) Except as provided in division (E)(4) of this section, if 43787  
a provider transfers an interest in a facility to another provider 43788  
after June 30, 1993, there shall be no increase in the capital 43789  
cost basis of the asset if the providers are related parties or 43790  
the provider to which the interest is transferred authorizes the 43791  
provider that transferred the interest to continue to operate the 43792  
facility under a lease, management agreement, or other 43793  
arrangement. If the previous sentence does not prohibit the 43794  
adjustment of the capital cost basis under this division, the 43795  
basis of the asset shall be adjusted by one-half of the change in 43796  
the consumer price index for all items for all urban consumers, as 43797  
published by the United States bureau of labor statistics, during 43798  
the time that the transferor held the asset. 43799

(4) If a provider transfers an interest in a facility to 43800  
another provider who is a related party, the capital cost basis of 43801  
the asset shall be adjusted as specified in division (E)(3) of 43802  
this section if all of the following conditions are met: 43803

(a) The related party is a relative of owner; 43804

(b) Except as provided in division (E)(4)(c)(ii) of this 43805  
section, the provider making the transfer retains no ownership 43806  
interest in the facility; 43807

(c) The department determines that the transfer is an arm's 43808  
length transaction pursuant to rules adopted under section 5165.02 43809  
of the Revised Code. The rules shall provide that a transfer is an 43810  
arm's length transaction if all of the following apply: 43811

(i) Once the transfer goes into effect, the provider that 43812  
made the transfer has no direct or indirect interest in the 43813  
provider that acquires the facility or the facility itself, 43814  
including interest as an owner, officer, director, employee, 43815  
independent contractor, or consultant, but excluding interest as a 43816

creditor. 43817

(ii) The provider that made the transfer does not reacquire 43818  
an interest in the facility except through the exercise of a 43819  
creditor's rights in the event of a default. If the provider 43820  
reacquires an interest in the facility in this manner, the 43821  
department shall treat the facility as if the transfer never 43822  
occurred when the department calculates its reimbursement rates 43823  
for capital costs. 43824

(iii) The transfer satisfies any other criteria specified in 43825  
the rules. 43826

(d) Except in the case of hardship caused by a catastrophic 43827  
event, as determined by the department, or in the case of a 43828  
provider making the transfer who is at least sixty-five years of 43829  
age, not less than twenty years have elapsed since, for the same 43830  
facility, the capital cost basis was adjusted most recently under 43831  
division (E)(4) of this section or actual, allowable capital costs 43832  
was determined most recently under division (F)(9) of this 43833  
section. 43834

(F) As used in this division: 43835

"Imputed interest" means the lesser of the prime rate plus 43836  
two per cent or ten per cent. 43837

"Lease expense" means lease payments in the case of an 43838  
operating lease and depreciation expense and interest expense in 43839  
the case of a capital lease. 43840

"New lease" means a lease, to a different lessee, of a 43841  
nursing facility that previously was operated under a lease. 43842

(1) Subject to division (A) of this section, for a lease of a 43843  
facility that was effective on May 27, 1992, the entire lease 43844  
expense is an actual, allowable capital cost during the term of 43845  
the existing lease. The entire lease expense also is an actual, 43846

allowable capital cost if a lease in existence on May 27, 1992, is 43847  
renewed under either of the following circumstances: 43848

(a) The renewal is pursuant to a renewal option that was in 43849  
existence on May 27, 1992; 43850

(b) The renewal is for the same lease payment amount and 43851  
between the same parties as the lease in existence on May 27, 43852  
1992. 43853

(2) Subject to division (A) of this section, for a lease of a 43854  
facility that was in existence but not operated under a lease on 43855  
May 27, 1992, actual, allowable capital costs shall include the 43856  
lesser of the annual lease expense or the annual depreciation 43857  
expense and imputed interest expense that would be calculated at 43858  
the inception of the lease using the lessor's entire historical 43859  
capital asset cost basis, adjusted by one-half of the change in 43860  
the consumer price index for all items for all urban consumers, as 43861  
published by the United States bureau of labor statistics, during 43862  
the time the lessor held each asset until the beginning of the 43863  
lease. 43864

(3) Subject to division (A) of this section, for a lease of a 43865  
facility with a date of licensure on or after May 27, 1992, that 43866  
is initially operated under a lease, actual, allowable capital 43867  
costs shall include the annual lease expense if there was a 43868  
substantial commitment of money for construction of the facility 43869  
after December 22, 1992, and before July 1, 1993. If there was not 43870  
a substantial commitment of money after December 22, 1992, and 43871  
before July 1, 1993, actual, allowable capital costs shall include 43872  
the lesser of the annual lease expense or the sum of the 43873  
following: 43874

(a) The annual depreciation expense that would be calculated 43875  
at the inception of the lease using the lessor's entire historical 43876  
capital asset cost basis; 43877

(b) The greater of the lessor's actual annual amortization of 43878  
financing costs and interest expense at the inception of the lease 43879  
or the imputed interest expense calculated at the inception of the 43880  
lease using seventy per cent of the lessor's historical capital 43881  
asset cost basis. 43882

(4) Subject to division (A) of this section, for a lease of a 43883  
facility with a date of licensure on or after May 27, 1992, that 43884  
was not initially operated under a lease and has been in existence 43885  
for ten years, actual, allowable capital costs shall include the 43886  
lesser of the annual lease expense or the annual depreciation 43887  
expense and imputed interest expense that would be calculated at 43888  
the inception of the lease using the entire historical capital 43889  
asset cost basis of one-half of the change in the consumer price 43890  
index for all items for all urban consumers, as published by the 43891  
United States bureau of labor statistics, during the time the 43892  
lessor held each asset until the beginning of the lease. 43893

(5) Subject to division (A) of this section, for a new lease 43894  
of a facility that was operated under a lease on May 27, 1992, 43895  
actual, allowable capital costs shall include the lesser of the 43896  
annual new lease expense or the annual old lease payment. If the 43897  
old lease was in effect for ten years or longer, the old lease 43898  
payment from the beginning of the old lease shall be adjusted by 43899  
one-half of the change in the consumer price index for all items 43900  
for all urban consumers, as published by the United States bureau 43901  
of labor statistics, from the beginning of the old lease to the 43902  
beginning of the new lease. 43903

(6) Subject to division (A) of this section, for a new lease 43904  
of a facility that was not in existence or that was in existence 43905  
but not operated under a lease on May 27, 1992, actual, allowable 43906  
capital costs shall include the lesser of annual new lease expense 43907  
or the annual amount calculated for the old lease under division 43908  
(F)(2), (3), (4), or (6) of this section, as applicable. If the 43909

old lease was in effect for ten years or longer, the lessor's 43910  
historical capital asset cost basis shall be, for purposes of 43911  
calculating the annual amount under division (F)(2), (3), (4), or 43912  
(6) of this section, adjusted by one-half of the change in the 43913  
consumer price index for all items for all urban consumers, as 43914  
published by the United States bureau of labor statistics, from 43915  
the beginning of the old lease to the beginning of the new lease. 43916

In the case of a lease under division (F)(3) of this section 43917  
of a facility for which a substantial commitment of money was made 43918  
after December 22, 1992, and before July 1, 1993, the old lease 43919  
payment shall be adjusted for the purpose of determining the 43920  
annual amount. 43921

(7) For any revision of a lease described in division (F)(1), 43922  
(2), (3), (4), (5), or (6) of this section, or for any subsequent 43923  
lease of a facility operated under such a lease, other than 43924  
execution of a new lease, the portion of actual, allowable capital 43925  
costs attributable to the lease shall be the same as before the 43926  
revision or subsequent lease. 43927

(8) Except as provided in division (F)(9) of this section, if 43928  
a provider leases an interest in a facility to another provider 43929  
who is a related party or previously operated the facility, the 43930  
related party's or previous operator's actual, allowable capital 43931  
costs shall include the lesser of the annual lease expense or the 43932  
reasonable cost to the lessor. 43933

(9) If a provider leases an interest in a facility to another 43934  
provider who is a related party, regardless of the date of the 43935  
lease, the related party's actual, allowable capital costs shall 43936  
include the annual lease expense, subject to the limitations 43937  
specified in divisions (F)(1) to (7) of this section, if all of 43938  
the following conditions are met: 43939

(a) The related party is a relative of owner; 43940

(b) If the lessor retains an ownership interest, it is, 43941  
except as provided in division (F)(9)(c)(ii) of this section, in 43942  
only the real property and any improvements on the real property; 43943

(c) The department determines that the lease is an arm's 43944  
length transaction pursuant to rules adopted under section 5165.02 43945  
of the Revised Code. The rules shall provide that a lease is an 43946  
arm's length transaction if all of the following apply: 43947

(i) Once the lease goes into effect, the lessor has no direct 43948  
or indirect interest in the lessee or, except as provided in 43949  
division (F)(9)(b) of this section, the facility itself, including 43950  
interest as an owner, officer, director, employee, independent 43951  
contractor, or consultant, but excluding interest as a lessor. 43952

(ii) The lessor does not reacquire an interest in the 43953  
facility except through the exercise of a lessor's rights in the 43954  
event of a default. If the lessor reacquires an interest in the 43955  
facility in this manner, the department shall treat the facility 43956  
as if the lease never occurred when the department calculates its 43957  
reimbursement rates for capital costs. 43958

(iii) The lease satisfies any other criteria specified in the 43959  
rules. 43960

(d) Except in the case of hardship caused by a catastrophic 43961  
event, as determined by the department, or in the case of a lessor 43962  
who is at least sixty-five years of age, not less than twenty 43963  
years have elapsed since, for the same facility, the capital cost 43964  
basis was adjusted most recently under division (E)(4) of this 43965  
section or actual, allowable capital costs were determined most 43966  
recently under division (F)(9) of this section. 43967

(10) This division does not apply to leases of specific items 43968  
of equipment. 43969

**Sec. 5165.191.** Each calendar quarter, each nursing facility 43970

provider shall compile complete assessment data for each resident 43971  
of each of the provider's nursing facilities, regardless of 43972  
payment source, who is in the nursing facility, or on hospital or 43973  
therapeutic leave from the nursing facility, on the last day of 43974  
the quarter. A resident assessment instrument specified in rules 43975  
authorized by this section shall be used to compile the resident 43976  
assessment data. Each provider shall submit the resident 43977  
assessment data to the department of health and, if required by 43978  
the rules, the department of medicaid. The resident assessment 43979  
data shall be submitted not later than fifteen days after the end 43980  
of the calendar quarter for which the data is compiled. If the 43981  
resident assessment data is to be submitted to the department of 43982  
medicaid, it shall be submitted to the department through the 43983  
medium or media specified in the rules. 43984

Rules adopted under section 5165.02 of the Revised Code shall 43985  
do all of the following: 43986

(A) In a manner consistent with the "Social Security Act," 43987  
section 1919(e)(5), 42 U.S.C. 1396r(e)(5), specify a resident 43988  
assessment instrument to be used by nursing facility providers 43989  
under this section; 43990

(B) Specify whether nursing facility providers must submit 43991  
the resident assessment data to the department of medicaid; 43992

(C) Specify any resident assessment data that is excluded 43993  
from the case mix calculation made under section 5165.192 of the 43994  
Revised Code; 43995

(D) If the rules specify that nursing facility providers must 43996  
submit the resident assessment data to the department, specify the 43997  
medium or media through which the data is to be submitted. 43998

**Sec. 5165.771.** (A) As used in this section: 43999

(1) "SFF list" means the list of nursing facilities that the 44000

United States department of health and human services creates 44001  
under the special focus facility program. 44002

(2) "Special focus facility program" means the program 44003  
conducted by the United States secretary of health and human 44004  
services pursuant to the "Social Security Act," section 44005  
1919(f)(10), 42 U.S.C. 1396r(f)(10). 44006

(3) "Table A" means the table included in the SFF list that 44007  
identifies nursing facilities that are newly added to the SFF 44008  
list. 44009

(4) "Table B" means the table included in the SFF list that 44010  
identifies nursing facilities that have not improved. 44011

(5) "Table C" means the table included in the SFF list that 44012  
identifies nursing facilities that have shown improvement. 44013

(6) "Table D" means the table included in the SFF list that 44014  
identifies nursing facilities that have recently graduated from 44015  
the special focus facility program. 44016

(B) The department of medicaid shall issue an order 44017  
terminating a nursing facility's participation in the medicaid 44018  
program if any of the following apply: 44019

(1) The nursing facility is ~~listed~~ placed in table A or table 44020  
~~on the effective date of this section~~ and fails to be placed in 44021  
table C not later than twelve months after ~~the effective date of~~ 44022  
~~this section~~ the facility is placed in table A or table B. 44023

(2) The nursing facility is ~~listed~~ placed in table A, table 44024  
B, or table C ~~on the effective date of this section~~ and fails to 44025  
be placed in table D not later than twenty-four months after ~~the~~ 44026  
~~effective date of this section~~ the facility is placed in table A, 44027  
table B, or table C. 44028

(3) The nursing facility is placed in table A ~~after the~~ 44029  
~~effective date of this section~~ and fails to be placed in table C 44030

not later than twelve months after the nursing facility is placed 44031  
in table A. 44032

(4) The nursing facility is placed in table A ~~after the~~ 44033  
~~effective date of this section~~ and fails to be placed in table D 44034  
not later than twenty-four months after the nursing facility is 44035  
placed in table A. 44036

(C) ~~An order issued under this section is not subject to~~ 44037  
~~appeal~~ A nursing facility may appeal, under Chapter 119. of the 44038  
Revised Code, the length of time the facility is listed in a table 44039  
as described under division (B) of this section. The medicaid 44040  
director shall adopt rules under section 5165.02 of the Revised 44041  
Code as necessary to provide for an appeal under this division. 44042  
Notwithstanding the timeframes listed in section 119.07 of the 44043  
Revised Code, the rules may provide for an expedited appeal under 44044  
this division. 44045

(D) ~~To~~ A nursing facility shall take all steps necessary to 44046  
improve its quality of care to avoid having its participation in 44047  
the medicaid program terminated pursuant to division (B) of this 44048  
section. Technical assistance and quality improvement initiatives 44049  
to help a nursing facility avoid having its participation in the 44050  
medicaid program terminated pursuant to division (B) of this 44051  
section, ~~the department of aging shall provide the nursing~~ 44052  
~~facility technical assistance~~ are available through the nursing 44053  
home quality initiative established under section 173.60 of the 44054  
Revised Code ~~at least four months before the department of~~ 44055  
~~medicaid would be required to terminate the nursing facility's~~ 44056  
~~participation~~ or initiatives offered through a quality improvement 44057  
organization under contract with the United States secretary of 44058  
health and human services to carry out in this state the functions 44059  
described in section 1154 of the "Social Security Act," 42 U.S.C. 44060  
1320c-3. 44061

Sec. 5166.01. As used in this chapter: 44062

"209(b) option" means the option described in section 1902(f) 44063  
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 44064  
medicaid program's eligibility requirements for aged, blind, and 44065  
disabled individuals are more restrictive than the eligibility 44066  
requirements for the supplemental security income program. 44067

"Administrative agency" means, with respect to a home and 44068  
community-based services medicaid waiver component, the department 44069  
of medicaid or, if a state agency or political subdivision 44070  
contracts with the department under section 5162.35 of the Revised 44071  
Code to administer the component, that state agency or political 44072  
subdivision. 44073

"Care management system" has the same meaning as in section 44074  
5167.01 of the Revised Code. 44075

"Dual eligible individual" has the same meaning as in section 44076  
5160.01 of the Revised Code. 44077

"Enrollee" has the same meaning as in section 5167.01 of the 44078  
Revised Code. 44079

"Expansion eligibility group" has the same meaning as in 44080  
section 5163.01 of the Revised Code. 44081

"Federal poverty line" has the same meaning as in section 44082  
5162.01 of the Revised Code. 44083

"Home and community-based services medicaid waiver component" 44084  
means a medicaid waiver component under which home and 44085  
community-based services are provided as an alternative to 44086  
hospital services, nursing facility services, or ICF/IID services. 44087

"Hospital" has the same meaning as in section 3727.01 of the 44088  
Revised Code. 44089

"Hospital long-term care unit" has the same meaning as in 44090

section 5168.40 of the Revised Code.	44091
"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	44092 44093
"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.	44094 44095
"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.	44096 44097
"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.	44098 44099 44100 44101 44102 44103
"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code.	44104 44105
"Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code.	44106 44107
"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	44108 44109
"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.	44110 44111
"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under <u>section 1115 or 1915 of the "Social Security Act,"</u> <del>section 1115 or 1915,</del> 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include the care management system <u>or services delivered under a prepaid inpatient health plan, as defined in 42 C.F.R. 438.2.</u>	44112 44113 44114 44115 44116 44117 44118
"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is	44119 44120

considered blind or disabled under section 1614(a)(2) or (3) of 44121  
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 44122

"Nursing facility" and "nursing facility services" have the 44123  
same meanings as in section 5165.01 of the Revised Code. 44124

"Ohio home care waiver program" means the home and 44125  
community-based services medicaid waiver component that is known 44126  
as Ohio home care and was created pursuant to section 5166.11 of 44127  
the Revised Code. 44128

"Provider agreement" has the same meaning as in section 44129  
5164.01 of the Revised Code. 44130

"Residential treatment facility" means a residential facility 44131  
licensed by the department of mental health and addiction services 44132  
under section 5119.34 of the Revised Code, or an institution 44133  
certified by the department of job and family services under 44134  
section 5103.03 of the Revised Code, that serves children and 44135  
either has more than sixteen beds or is part of a campus of 44136  
multiple facilities or institutions that, combined, have a total 44137  
of more than sixteen beds. 44138

"Skilled nursing facility" has the same meaning as in section 44139  
5165.01 of the Revised Code. 44140

"Unified long-term services and support medicaid waiver 44141  
component" means the medicaid waiver component authorized by 44142  
section 5166.14 of the Revised Code. 44143

**Sec. 5167.16.** (A) As used in this section: 44144

(1) "Help me grow program" means the program established by 44145  
the department of health pursuant to section 3701.61 of the 44146  
Revised Code. 44147

(2) "Targeted case management" has the same meaning as in 42 44148  
C.F.R. 440.169(b). 44149

(B) A medicaid managed care organization shall provide to a medicaid recipient who meets the criteria in division (C) of this section, or arrange for such recipient to receive, both of the following types of services:

(1) Home visits, which shall include depression screenings, for which federal financial participation is available under the targeted case management benefit;

(2) Cognitive behavioral therapy, provided by a community mental health services provider, that is determined to be medically necessary through a depression screening conducted as part of a home visit.

(C) A medicaid recipient qualifies to receive the services specified in division (B) of this section if the medicaid recipient is enrolled in the help me grow program, enrolled in the medicaid managed care organization providing or arranging for the services, and is either pregnant or the birth mother of ~~an infant or toddler~~ a child under ~~three~~ five years of age.

(D) If requested by a medicaid recipient eligible for the cognitive behavioral therapy covered under division (B)(2) of this section, the therapy shall be provided in the recipient's home. The medicaid managed care organization shall inform the medicaid recipient of the right to make the request and how to make it.

**Sec. 5168.60.** As used in sections 5168.60 to 5168.71 of the Revised Code:

(A) ~~"Franchise~~ Unless modified under division (C)(2) of section 5168.61 of the Revised Code, "franchise permit fee rate" means the following:

(1) For fiscal year 2020, twenty-three dollars and ninety-five cents;

(2) For fiscal year 2021 and each fiscal year thereafter,

twenty-four dollars and eighty-nine cents. 44180

(B) "Indirect guarantee percentage" means the percentage 44181  
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 44182  
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 44183  
whether a class of providers is indirectly held harmless for any 44184  
portion of the costs of a broad-based health-care-related tax. If 44185  
the indirect guarantee percentage changes during a fiscal year, 44186  
the indirect guarantee percentage is the following: 44187

(1) For the part of the fiscal year before the change takes 44188  
effect, the percentage in effect before the change; 44189

(2) For the part of the fiscal year beginning with the date 44190  
the indirect guarantee percentage changes, the new percentage. 44191

(C) "ICF/IID" has the same meaning as in section 5124.01 of 44192  
the Revised Code. 44193

(D) Except as provided in division (B) of section 5168.62 of 44194  
the Revised Code, "inpatient days" has the same meaning as in 44195  
section 5124.01 of the Revised Code. 44196

(E) "Medicaid-certified capacity" has the same meaning as in 44197  
section 5124.01 of the Revised Code. 44198

(F) "Provider agreement" has the same meaning as in section 44199  
5124.01 of the Revised Code. 44200

**Sec. 5168.61.** The department of developmental disabilities 44201  
shall do all of the following: 44202

(A) Subject to section 5168.64 of the Revised Code and 44203  
divisions (B) and (C) of this section and for the purposes 44204  
specified in section 5168.69 of the Revised Code, quarterly assess 44205  
each ICF/IID a franchise permit fee equal to the product of the 44206  
following: 44207

(1) The franchise permit fee rate; 44208

(2) The number of the ICF/IID's inpatient days for the 44209  
quarter as determined using the monthly reports submitted to the 44210  
department under section 5168.62 of the Revised Code. 44211

(B) If the total amount of the franchise permit fee assessed 44212  
under division (A) of this section for a fiscal year exceeds the 44213  
indirect guarantee percentage of the actual net patient revenue 44214  
for all ICFs/IID for that fiscal year and seventy-five per cent or 44215  
more of the total number of ICFs/IID receive enhanced medicaid 44216  
payments or other state payments equal to seventy-five per cent or 44217  
more of their total franchise permit fee assessments, do both of 44218  
the following: 44219

(1) Recalculate the assessments under division (A) of this 44220  
section using a per inpatient day rate equal to the indirect 44221  
guarantee percentage of actual net patient revenue for all 44222  
ICFs/IID for that fiscal year; 44223

(2) Refund the difference between the total amount of the 44224  
franchise permit fee assessed for that fiscal year under division 44225  
(A) of this section and the amount recalculated under division 44226  
(B)(1) of this section as a credit against the assessments imposed 44227  
under division (A) of this section for the quarters of the 44228  
subsequent fiscal year. 44229

(C)(1) If the United States secretary of health and human 44230  
services determines that the franchise permit fee established by 44231  
sections 5168.60 to 5168.71 of the Revised Code would be an 44232  
impermissible health care-related tax under section 1903(w) of the 44233  
"Social Security Act," 42 U.S.C. 1396b(w), take all necessary 44234  
actions to cease implementation of those sections in accordance 44235  
with rules adopted under section 5168.71 of the Revised Code. 44236

(2) If the United States secretary of health and human 44237  
services adjusts the indirect guarantee percentage at any time 44238  
during the fiscal year, adjust the franchise permit fee rate and 44239

associated ICF/IID invoices so as not to exceed the indirect 44240  
guarantee percentage. 44241

**Sec. 5301.13.** All conveyances of real estate, or any interest 44242  
therein, sold on behalf of the state, ~~with the exception of those~~ 44243  
~~agreements made pursuant to divisions (A), (B), (C), (D), and (E)~~ 44244  
~~of section 123.53 of the Revised Code,~~ shall be drafted by the 44245  
~~auditor of state~~ director of administrative services, executed in 44246  
the name of the state, signed by the governor, countersigned by 44247  
the secretary of state, and sealed with the great seal of the 44248  
state. The ~~auditor of state~~ director of administrative services 44249  
thereupon must record such conveyance in books to be kept by ~~him~~ 44250  
the director of administrative services for that purpose, deliver 44251  
them to the persons entitled thereto, and keep a record of such 44252  
delivery, showing to whom delivered and the date thereof. 44253

**Sec. 5301.14.** When a title deed, recorded by the ~~auditor of~~ 44254  
~~state~~ director of administrative services as required by section 44255  
5301.13 of the Revised Code, or recorded in the office of the 44256  
secretary of state, the record of which is required to be kept in 44257  
the office of the ~~auditor of state~~ director of administrative 44258  
services, has been lost or destroyed by accident, without having 44259  
been recorded in the county recorder's office, on demand and 44260  
tender of the fees therefor, the ~~auditor of state~~ director of 44261  
administrative services shall furnish to any person a copy of such 44262  
deed certified under the ~~auditor of state's~~ director of 44263  
administrative services' official seal, which copy shall be 44264  
received everywhere in this state as prima-facie evidence of the 44265  
existence of the deed, and in all respects shall have the effect 44266  
of certified copies from the official records of the county where 44267  
such lands are situated. 44268

**Sec. 5301.15.** When a deed executed for land purchase from the 44269

state is lost or destroyed, or when a person who has an interest 44270  
in such land, by the use of diligence cannot find it, and no 44271  
record exists from which a certified copy can be made to supply 44272  
the evidence of such deed, or when a certificate of the purchase 44273  
of land sold at a land office of this state, or any other 44274  
contract, bond, or memorandum evidencing a purchase of land has 44275  
been lost or destroyed, or when from any cause the owner of such 44276  
land, by the use of diligence, cannot find such certificate, 44277  
contract, bond, or memorandum, the governor, when satisfied that 44278  
the original purchase money for such land has been fully paid, 44279  
shall execute a deed therefor in the name of the original 44280  
purchaser which must recite the facts authorizing its making. Such 44281  
deed shall be recorded in the office of the ~~auditor of state~~ 44282  
director of administrative services who shall transmit it to the 44283  
present claimant. 44284

Such deed has the same effect as the original deed, had it 44285  
been preserved and recorded, or as a deed would have had, made to 44286  
the original purchaser upon the date of the full payment of the 44287  
purchase money. 44288

**Sec. 5301.18.** All deeds executed under sections 5301.15, 44289  
5301.16, and 5301.17 of the Revised Code must recite the facts, as 44290  
ascertained by the governor and attorney general, upon the proof 44291  
of which they are executed, and shall be recorded in the office of 44292  
the ~~auditor of state~~ director of administrative services. 44293

**Sec. 5301.21.** When the owners of adjoining tracts of land, or 44294  
of lots in a municipal corporation, agree upon the site of a 44295  
corner or line common to such tracts or lots, in a written 44296  
instrument containing a pertinent description thereof, either with 44297  
or without a plat, executed, acknowledged, and recorded as are 44298  
deeds, such corner or line thenceforth shall be established as 44299  
between the parties to such agreement, and all persons 44300

subsequently deriving title from them. 44301

Such agreement shall be recorded by the county recorder in 44302  
the official records. The original agreement, after being so 44303  
recorded, or a certified copy thereof from the record, is 44304  
competent evidence in any court in this state against a party 44305  
thereto, or person in privity with a party. 44306

When a tract of land is owned by the state, the officer or 44307  
board having administrative control thereof, with the approval of 44308  
the attorney general, may execute said written instrument and 44309  
following recording in the county where the land is situated, said 44310  
instrument shall be filed with the ~~auditor of state~~ director of  
administrative services with the evidence of title to the land 44311  
affected. 44312  
44313

**Sec. 5501.332.** Upon the occurrence of the condition stated in 44314  
a deed pursuant to division (C) of section 5501.331 of the Revised 44315  
Code, the director of transportation shall prepare and issue a 44316  
certification of the occurrence to the grantor or ~~his~~ the 44317  
grantor's successors or assigns, the governor, and the ~~auditor of~~  
~~state~~ director of administrative services. 44318  
44319

Upon receipt of the certification, the ~~auditor of state~~ 44320  
director of administrative services, with the assistance of the 44321  
attorney general, shall prepare a deed releasing the property 44322  
donated under section 5501.33 of the Revised Code to the grantor 44323  
or ~~his~~ the grantor's successors or assigns. The deed shall declare 44324  
the occurrence of the condition and the consequent reversion. The 44325  
deed shall be executed by the governor, countersigned by the 44326  
secretary of state, recorded in the office of the ~~auditor of state~~ 44327  
director of administrative services, and delivered to the grantor 44328  
or ~~his~~ the grantor's successors or assigns. 44329

**Sec. 5502.14.** (A) As used in this section, "felony" has the 44330

same meaning as in section 109.511 of the Revised Code. 44331

(B)(1) Any person who is employed by the department of public 44332  
safety and designated by the director of public safety to enforce 44333  
Title XLIII of the Revised Code, the rules adopted under it, 44334  
section 2927.02 of the Revised Code, and the laws and rules 44335  
regulating the use of supplemental nutrition assistance program 44336  
benefits shall be known as an enforcement agent. The employment by 44337  
the department of public safety and the designation by the 44338  
director of public safety of a person as an enforcement agent 44339  
shall be subject to division (D) of this section. An enforcement 44340  
agent has the authority vested in peace officers pursuant to 44341  
section 2935.03 of the Revised Code to keep the peace, to enforce 44342  
all applicable laws and rules on any retail liquor permit 44343  
premises, or on any other premises of public or private property, 44344  
where a violation of Title XLIII of the Revised Code or any rule 44345  
adopted under it is occurring, to enforce section 2927.02 of the 44346  
Revised Code wherever the violation occurs, and to enforce all 44347  
laws and rules governing the use of supplemental nutrition 44348  
assistance program benefits, women, infants, and children's 44349  
coupons, electronically transferred benefits, or any other access 44350  
device that is used alone or in conjunction with another access 44351  
device to obtain payments, allotments, benefits, money, goods, or 44352  
other things of value, or that can be used to initiate a transfer 44353  
of funds, pursuant to the supplemental nutrition assistance 44354  
program established under the Food and Nutrition Act of 2008 (7 44355  
U.S.C. 2011 et seq.) or any supplemental food program administered 44356  
by any department of this state pursuant to the "Child Nutrition 44357  
Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786. Enforcement agents, 44358  
in enforcing compliance with the laws and rules described in this 44359  
division, may keep the peace and make arrests for violations of 44360  
those laws and rules. 44361

(2) In addition to the authority conferred by division (B)(1) 44362

of this section, an enforcement agent also may execute search warrants and seize and take into custody any contraband, as defined in section 2901.01 of the Revised Code, or any property that is otherwise necessary for evidentiary purposes related to any violations of the laws or rules described in division (B)(1) of this section. An enforcement agent may enter public or private premises where activity alleged to violate the laws or rules described in division (B)(1) of this section is occurring.

(3) Enforcement agents who are on, immediately adjacent to, or across from retail liquor permit premises and who are performing investigative duties relating to that premises, enforcement agents who are on premises that are not liquor permit premises but on which a violation of Title XLIII of the Revised Code or any rule adopted under it allegedly is occurring, ~~and~~ enforcement agents who view a suspected violation of Title XLIII of the Revised Code, of a rule adopted under it, and enforcement agents investigating a violation of section 2927.02 of the Revised Code or of another law or rule described in division (B)(1) of this section have the authority to enforce the laws and rules described in division (B)(1) of this section, authority to enforce any section in Title XXIX of the Revised Code or any other section of the Revised Code listed in section 5502.13 of the Revised Code if they witness a violation of the section under any of the circumstances described in this division, and authority to make arrests for violations of the laws and rules described in division (B)(1) of this section and violations of any of those sections.

(4) The jurisdiction of an enforcement agent under division (B) of this section shall be concurrent with that of the peace officers of the county, township, or municipal corporation in which the violation occurs.

(C) Enforcement agents of the department of public safety who are engaged in the enforcement of the laws and rules described in

division (B)(1) of this section may carry concealed weapons when 44395  
conducting undercover investigations pursuant to their authority 44396  
as law enforcement officers and while acting within the scope of 44397  
their authority pursuant to this chapter. 44398

(D)(1) The department of public safety shall not employ, and 44399  
the director of public safety shall not designate, a person as an 44400  
enforcement agent on a permanent basis, on a temporary basis, for 44401  
a probationary term, or on other than a permanent basis if the 44402  
person previously has been convicted of or has pleaded guilty to a 44403  
felony. 44404

(2)(a) The department of public safety shall terminate the 44405  
employment of a person who is designated as an enforcement agent 44406  
and who does either of the following: 44407

(i) Pleads guilty to a felony; 44408

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 44409  
plea agreement as provided in division (D) of section 2929.43 of 44410  
the Revised Code in which the enforcement agent agrees to 44411  
surrender the certificate awarded to that agent under section 44412  
109.77 of the Revised Code. 44413

(b) The department shall suspend the employment of a person 44414  
who is designated as an enforcement agent if the person is 44415  
convicted, after trial, of a felony. If the enforcement agent 44416  
files an appeal from that conviction and the conviction is upheld 44417  
by the highest court to which the appeal is taken or if no timely 44418  
appeal is filed, the department shall terminate the employment of 44419  
that agent. If the enforcement agent files an appeal that results 44420  
in that agent's acquittal of the felony or conviction of a 44421  
misdemeanor, or in the dismissal of the felony charge against the 44422  
agent, the department shall reinstate the agent. An enforcement 44423  
agent who is reinstated under division (D)(2)(b) of this section 44424  
shall not receive any back pay unless the conviction of that agent 44425

of the felony was reversed on appeal, or the felony charge was 44426  
dismissed, because the court found insufficient evidence to 44427  
convict the agent of the felony. 44428

(3) Division (D) of this section does not apply regarding an 44429  
offense that was committed prior to January 1, 1997. 44430

(4) The suspension or termination of the employment of a 44431  
person designated as an enforcement agent under division (D)(2) of 44432  
this section shall be in accordance with Chapter 119. of the 44433  
Revised Code. 44434

**Sec. 5502.30.** (A) The state, any political subdivision, any 44435  
municipal agency, any emergency management volunteer, another 44436  
state, or an emergency management agency thereof or of the federal 44437  
government or of another country or province or subdivision 44438  
thereof performing emergency management services in this state 44439  
pursuant to an arrangement, agreement, or compact for mutual aid 44440  
and assistance, or any agency, member, agent, or representative of 44441  
any of them, or any individual, partnership, corporation, 44442  
association, trustee, or receiver, or any of the agents thereof, 44443  
in good faith carrying out, complying with, or attempting to 44444  
comply with any state or federal law or any arrangement, 44445  
agreement, or compact for mutual aid and assistance, or any order 44446  
issued by federal or state military authorities relating to 44447  
emergency management, is not liable for any injury to or death of 44448  
persons or damage to property as the result thereof during 44449  
training periods, test periods, practice periods, or other 44450  
emergency management operations, or false alerts, as well as 44451  
during any hazard, actual or imminent, and subsequent to the same 44452  
except in cases of willful misconduct. As used in this division, 44453  
"emergency management volunteer" means only an individual who is 44454  
authorized to assist any agency performing emergency management 44455  
during a hazard. 44456

(B) The state, any political subdivision, any individual, partnership, corporation, association, trustee, or receiver, or any agent, agency, representative, officer, or employee of any of them that owns, maintains, occupies, operates, or controls all or part of any building, structure, or premises shall not be liable for any injury or death sustained by any person or damage caused to any property while that person or property is in the building, structure, or premises for duty, training, or shelter purposes during a hazard, drill, test, or false warning, or is entering therein for such purposes or departing therefrom, or for any injury, death, or property damage as the result of any condition in or on the building, structure, or premises or of any act or omission with respect thereto, except a willful act intended to cause injury or damage.

(C) Any employee of a political subdivision of this state that is rendering aid in another state is considered an officer or employee of the state for purposes of the immunity established under Article VI of the emergency management assistance compact enacted under section 5502.40 of the Revised Code. Nothing in this division entitles an employee of a political subdivision to any other right or benefit of a state employee.

(D) This section does not affect the right of any person to receive benefits to which ~~he~~ the person may be entitled under Chapter 4123. of the Revised Code or any pension law, nor the rights of any person to receive any benefits or compensation under any act of congress or under any law of this state.

**Sec. 5701.11.** The effective date to which this section refers is the effective date of this section as amended by H.B. 197 of the 133rd general assembly.

(A)(1) Except as provided under division (A)(2) or (B) of this section, any reference in Title LVII or sections 3123.90,

3770.073, or 3772.37 of the Revised Code to the Internal Revenue Code, to the Internal Revenue Code "as amended," to other laws of the United States, or to other laws of the United States, "as amended," means the Internal Revenue Code or other laws of the United States as they exist on the effective date.

(2) This section does not apply to any reference in Title LVII of the Revised Code to the Internal Revenue Code as of a date certain specifying the day, month, and year, or to other laws of the United States as of a date certain specifying the day, month, and year.

(B)(1) For purposes of applying section 5733.04, 5745.01, or 5747.01 of the Revised Code to a taxpayer's taxable year ending after March 30, 2018, and before the effective date, a taxpayer may irrevocably elect to incorporate the provisions of the Internal Revenue Code or other laws of the United States that are in effect for federal income tax purposes for that taxable year if those provisions differ from the provisions that, under division (A) of this section, would otherwise apply. The filing by the taxpayer for that taxable year of a report or return that incorporates the provisions of the Internal Revenue Code or other laws of the United States applicable for federal income tax purposes for that taxable year, and that does not include any adjustments to reverse the effects of any differences between those provisions and the provisions that would otherwise apply, constitutes the making of an irrevocable election under this division for that taxable year.

(2) Elections under prior versions of division (B)(1) of this section remain in effect for the taxable years to which they apply.

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in

the agent's report to the department or when called on to testify 44519  
in any court or proceeding, shall divulge any information acquired 44520  
by the agent as to the transactions, property, or business of any 44521  
person while acting or claiming to act under orders of the 44522  
department. Whoever violates this provision shall thereafter be 44523  
disqualified from acting as an officer or employee or in any other 44524  
capacity under appointment or employment of the department. 44525

44526

(B)(1) For purposes of an audit pursuant to section 117.15 of 44527  
the Revised Code, or an audit of the department pursuant to 44528  
Chapter 117. of the Revised Code, or an audit, pursuant to that 44529  
chapter, the objective of which is to express an opinion on a 44530  
financial report or statement prepared or issued pursuant to 44531  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 44532  
officers and employees of the auditor of state charged with 44533  
conducting the audit shall have access to and the right to examine 44534  
any state tax returns and state tax return information in the 44535  
possession of the department to the extent that the access and 44536  
examination are necessary for purposes of the audit. Any 44537  
information acquired as the result of that access and examination 44538  
shall not be divulged for any purpose other than as required for 44539  
the audit or unless the officers and employees are required to 44540  
testify in a court or proceeding under compulsion of legal 44541  
process. Whoever violates this provision shall thereafter be 44542  
disqualified from acting as an officer or employee or in any other 44543  
capacity under appointment or employment of the auditor of state. 44544

(2) For purposes of an internal audit pursuant to section 44545  
126.45 of the Revised Code, the officers and employees of the 44546  
office of internal audit in the office of budget and management 44547  
charged with directing the internal audit shall have access to and 44548  
the right to examine any state tax returns and state tax return 44549  
information in the possession of the department to the extent that 44550

the access and examination are necessary for purposes of the 44551  
internal audit. Any information acquired as the result of that 44552  
access and examination shall not be divulged for any purpose other 44553  
than as required for the internal audit or unless the officers and 44554  
employees are required to testify in a court or proceeding under 44555  
compulsion of legal process. Whoever violates this provision shall 44556  
thereafter be disqualified from acting as an officer or employee 44557  
or in any other capacity under appointment or employment of the 44558  
office of internal audit. 44559

(3) As provided by section 6103(d)(2) of the Internal Revenue 44560  
Code, any federal tax returns or federal tax information that the 44561  
department has acquired from the internal revenue service, through 44562  
federal and state statutory authority, may be disclosed to the 44563  
auditor of state or the office of internal audit solely for 44564  
purposes of an audit of the department. 44565

(4) For purposes of Chapter 3739. of the Revised Code, an 44566  
agent of the department of taxation may share information with the 44567  
division of state fire marshal that the agent finds during the 44568  
course of an investigation. 44569

(C) Division (A) of this section does not prohibit any of the 44570  
following: 44571

(1) Divulging information contained in applications, 44572  
complaints, and related documents filed with the department under 44573  
section 5715.27 of the Revised Code or in applications filed with 44574  
the department under section 5715.39 of the Revised Code; 44575

(2) Providing information to the office of child support 44576  
within the department of job and family services pursuant to 44577  
section 3125.43 of the Revised Code; 44578

(3) Disclosing to the motor vehicle repair board any 44579  
information in the possession of the department that is necessary 44580  
for the board to verify the existence of an applicant's valid 44581

vendor's license and current state tax identification number under 44582  
section 4775.07 of the Revised Code; 44583

(4) Providing information to the administrator of workers' 44584  
compensation pursuant to sections 4123.271 and 4123.591 of the 44585  
Revised Code; 44586

(5) Providing to the attorney general information the 44587  
department obtains under division (J) of section 1346.01 of the 44588  
Revised Code; 44589

(6) Permitting properly authorized officers, employees, or 44590  
agents of a municipal corporation from inspecting reports or 44591  
information pursuant to section 718.84 of the Revised Code or 44592  
rules adopted under section 5745.16 of the Revised Code; 44593

(7) Providing information regarding the name, account number, 44594  
or business address of a holder of a vendor's license issued 44595  
pursuant to section 5739.17 of the Revised Code, a holder of a 44596  
direct payment permit issued pursuant to section 5739.031 of the 44597  
Revised Code, or a seller having a use tax account maintained 44598  
pursuant to section 5741.17 of the Revised Code, or information 44599  
regarding the active or inactive status of a vendor's license, 44600  
direct payment permit, or seller's use tax account; 44601

(8) Releasing invoices or invoice information furnished under 44602  
section 4301.433 of the Revised Code pursuant to that section; 44603

(9) Providing to a county auditor notices or documents 44604  
concerning or affecting the taxable value of property in the 44605  
county auditor's county. Unless authorized by law to disclose 44606  
documents so provided, the county auditor shall not disclose such 44607  
documents; 44608

(10) Providing to a county auditor sales or use tax return or 44609  
audit information under section 333.06 of the Revised Code; 44610

(11) Subject to section 4301.441 of the Revised Code, 44611

disclosing to the appropriate state agency information in the 44612  
possession of the department of taxation that is necessary to 44613  
verify a permit holder's gallonage or noncompliance with taxes 44614  
levied under Chapter 4301. or 4305. of the Revised Code; 44615

(12) Disclosing to the department of natural resources 44616  
information in the possession of the department of taxation that 44617  
is necessary for the department of taxation to verify the 44618  
taxpayer's compliance with section 5749.02 of the Revised Code or 44619  
to allow the department of natural resources to enforce Chapter 44620  
1509. of the Revised Code; 44621

(13) Disclosing to the department of job and family services, 44622  
industrial commission, and bureau of workers' compensation 44623  
information in the possession of the department of taxation solely 44624  
for the purpose of identifying employers that misclassify 44625  
employees as independent contractors or that fail to properly 44626  
report and pay employer tax liabilities. The department of 44627  
taxation shall disclose only such information that is necessary to 44628  
verify employer compliance with law administered by those 44629  
agencies. 44630

(14) Disclosing to the Ohio casino control commission 44631  
information in the possession of the department of taxation that 44632  
is necessary to verify a casino operator's compliance with section 44633  
5747.063 or 5753.02 of the Revised Code and sections related 44634  
thereto; 44635

(15) Disclosing to the state lottery commission information 44636  
in the possession of the department of taxation that is necessary 44637  
to verify a lottery sales agent's compliance with section 5747.064 44638  
of the Revised Code. 44639

(16) Disclosing to the department of development services 44640  
~~agency~~ information in the possession of the department of taxation 44641  
that is necessary to ensure compliance with the laws of this state 44642

governing taxation and to verify information reported to the 44643  
department of development ~~services agency~~ for the purpose of 44644  
evaluating potential tax credits, grants, or loans. Such 44645  
information shall not include information received from the 44646  
internal revenue service the disclosure of which is prohibited by 44647  
section 6103 of the Internal Revenue Code. No officer, employee, 44648  
or agent of the department of development ~~services agency~~ shall 44649  
disclose any information provided to the department of development 44650  
~~services agency~~ by the department of taxation under division 44651  
(C)(16) of this section except when disclosure of the information 44652  
is necessary for, and made solely for the purpose of facilitating, 44653  
the evaluation of potential tax credits, grants, or loans. 44654

(17) Disclosing to the department of insurance information in 44655  
the possession of the department of taxation that is necessary to 44656  
ensure a taxpayer's compliance with the requirements with any tax 44657  
credit administered by the department of development ~~services~~ 44658  
~~agency~~ and claimed by the taxpayer against any tax administered by 44659  
the superintendent of insurance. No officer, employee, or agent of 44660  
the department of insurance shall disclose any information 44661  
provided to the department of insurance by the department of 44662  
taxation under division (C)(17) of this section. 44663

(18) Disclosing to the division of liquor control information 44664  
in the possession of the department of taxation that is necessary 44665  
for the division and department to comply with the requirements of 44666  
sections 4303.26 and 4303.271 of the Revised Code. 44667

(19) Disclosing to the department of education, upon that 44668  
department's request, information in the possession of the 44669  
department of taxation that is necessary only to verify whether 44670  
the family income of a student applying for or receiving a 44671  
scholarship under the educational choice scholarship pilot program 44672  
is equal to, less than, or greater than the income thresholds 44673  
prescribed by section 3310.02 or 3310.032 of the Revised Code. The 44674

department of education shall provide sufficient information about 44675  
the student and the student's family to enable the department of 44676  
taxation to make the verification. 44677

(20) Disclosing to the state racing commission information in 44678  
the possession of the department of taxation that is necessary for 44679  
verification of compliance with and for enforcement and 44680  
administration of the taxes levied by Chapter 3769. of the Revised 44681  
Code. Such information shall include information that is necessary 44682  
for the state racing commission to verify compliance with Chapter 44683  
3769. of the Revised Code for the purposes of issuance, denial, 44684  
suspension, or revocation of a permit pursuant to section 3769.03 44685  
or 3769.06 of the Revised Code and related sections. Unless 44686  
disclosure is otherwise authorized by law, information provided to 44687  
the state racing commission under this section shall remain 44688  
confidential and is not subject to public disclosure pursuant to 44689  
section 3769.041 of the Revised Code. 44690

**Sec. 5703.70.** (A) On the filing of an application for refund 44691  
under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 44692  
5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 44693  
5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 44694  
5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 44695  
of the Revised Code, or an application for compensation under 44696  
section 5739.061 of the Revised Code, if the tax commissioner 44697  
determines that the amount of the refund or compensation to which 44698  
the applicant is entitled is less than the amount claimed in the 44699  
application, the commissioner shall give the applicant written 44700  
notice by ordinary mail of the amount. The notice shall be sent to 44701  
the address shown on the application unless the applicant notifies 44702  
the commissioner of a different address. The applicant shall have 44703  
sixty days from the date the commissioner mails the notice to 44704  
provide additional information to the commissioner or request a 44705  
hearing, or both. 44706

(B) If the applicant neither requests a hearing nor provides additional information to the tax commissioner within the time prescribed by division (A) of this section, the commissioner shall take no further action, and the refund or compensation amount denied becomes final.

(C)(1) If the applicant requests a hearing within the time prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the hearing, the commissioner may make such adjustments to the refund or compensation as the commissioner finds proper, and shall issue a final determination thereon.

(2) If the applicant does not request a hearing, but provides additional information, within the time prescribed by division (A) of this section, the commissioner shall review the information, make such adjustments to the refund or compensation as the commissioner finds proper, and issue a final determination thereon. The commissioner may review such information and make such adjustments as many times as the commissioner finds proper before the issuance of a final determination.

(3) If the applicant requests a hearing and provides additional information within the time prescribed by division (A) of this section, the commissioner may review the information and make such adjustments to the refund or compensation as the commissioner finds proper. The commissioner may review such information and make such adjustments as many times as the commissioner finds proper before the issuance of a final determination.

The commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as

necessary. After the hearing, the commissioner may make any 44739  
additional adjustments to the refund or compensation as the 44740  
commissioner finds proper and shall issue a final determination 44741  
thereon. 44742

(4) The commissioner shall serve a copy of the final 44743  
determination made under division (C)(1) ~~or~~, (2), or (3) of this 44744  
section on the applicant in the manner provided in section 5703.37 44745  
of the Revised Code, and the decision is final, subject to appeal 44746  
under section 5717.02 of the Revised Code. 44747

(D) The tax commissioner shall certify to the director of 44748  
budget and management and treasurer of state for payment from the 44749  
tax refund fund created by section 5703.052 of the Revised Code, 44750  
the amount of the refund to be refunded under division (B) or (C) 44751  
of this section. The commissioner also shall certify to the 44752  
director and treasurer of state for payment from the general 44753  
revenue fund the amount of compensation to be paid under division 44754  
(B) or (C) of this section. 44755

**Sec. 5705.16.** A resolution of the taxing authority of any 44756  
political subdivision shall be passed by a majority of all the 44757  
members thereof, declaring the necessity for the transfer of funds 44758  
authorized by section 5705.15 of the Revised Code, and such taxing 44759  
authority shall submit to the tax commissioner a petition that 44760  
includes the name and amount of the fund, the fund to which it is 44761  
desired to be transferred, a copy of such resolution with a full 44762  
statement of the proceedings pertaining to its passage, and the 44763  
reason or necessity for the transfer. The commissioner shall 44764  
approve the transfer of such funds upon determining each of the 44765  
following: 44766

(A) The petition states sufficient facts; 44767

(B) That there are good reasons, or that a necessity exists, 44768  
for the transfer; 44769

(C) No injury will result from the transfer of such funds. 44770

If the petition is disapproved by the commissioner, it shall 44771  
be returned within ~~ten~~ thirty days of its receipt to the officers 44772  
who submitted it, with a memorandum of the commissioner's 44773  
objections, and the taxing authority shall not transfer the funds 44774  
as requested by the petition. This disapproval shall not prejudice 44775  
a later application for approval. If the petition is approved by 44776  
the commissioner, it shall be returned within ~~ten~~ thirty days of 44777  
its receipt to the officers who submitted it, and the taxing 44778  
authority may transfer the funds as requested by the petition. 44779

**Sec. 5709.121.** (A) Real property and tangible personal 44780  
property belonging to a charitable or educational institution or 44781  
to the state or a political subdivision, shall be considered as 44782  
used exclusively for charitable or public purposes by such 44783  
institution, the state, or political subdivision, if it meets one 44784  
of the following requirements: 44785

(1) It is used by such institution, the state, or political 44786  
subdivision, or by one or more other such institutions, the state, 44787  
or political subdivisions under a lease, sublease, or other 44788  
contractual arrangement: 44789

(a) As a community or area center in which presentations in 44790  
music, dramatics, the arts, and related fields are made in order 44791  
to foster public interest and education therein; 44792

(b) As a children's, science, history, or natural history 44793  
museum that is open to the general public; 44794

(c) For other charitable, educational, or public purposes. 44795

(2) It is made available under the direction or control of 44796  
such institution, the state, or political subdivision for use in 44797  
furtherance of or incidental to its charitable, educational, or 44798  
public purposes and not with the view to profit. 44799

(3) It is used by an organization described in division (D) 44800  
of section 5709.12 of the Revised Code. If the organization is a 44801  
corporation that receives a grant under the Thomas Alva Edison 44802  
grant program authorized by division (C) of section 122.33 of the 44803  
Revised Code at any time during the tax year, "used," for the 44804  
purposes of this division, includes holding property for lease or 44805  
resale to others. 44806

(B)(1) Property described in division (A)(1)(a) or (b) of 44807  
this section shall continue to be considered as used exclusively 44808  
for charitable or public purposes even if the property is conveyed 44809  
through one conveyance or a series of conveyances to an entity 44810  
that is not a charitable or educational institution and is not the 44811  
state or a political subdivision, provided that all of the 44812  
following conditions apply with respect to that property: 44813

(a) The property was listed as exempt on the county auditor's 44814  
tax list and duplicate for the county in which it is located for 44815  
the tax year immediately preceding the year in which the property 44816  
is conveyed through one conveyance or a series of conveyances; 44817

(b) The property is conveyed through one conveyance or a 44818  
series of conveyances to an entity that does any of the following: 44819

(i) Leases at least forty-five per cent of the property, 44820  
through one lease or a series of leases, to the entity that owned 44821  
or occupied the property for the tax year immediately preceding 44822  
the year in which the property is conveyed or to an affiliate of 44823  
that entity; 44824

(ii) Contracts, directly or indirectly to have renovations 44825  
performed as described in division (B)(1)(d) of this section and 44826  
is at least partially owned by a nonprofit organization described 44827  
in section 501(c)(3) of the Internal Revenue Code that is exempt 44828  
from taxation under section 501(a) of that code. 44829

(c) The property includes improvements that are at least 44830

fifty years old; 44831

(d) The property is being renovated in connection with a 44832  
claim for historic preservation tax credits available under 44833  
federal law; 44834

(e) All or a portion of the property continues to be used for 44835  
the purposes described in division (A)(1)(a) or (b) of this 44836  
section after its conveyance; and 44837

(f) The property is certified by the United States secretary 44838  
of the interior as a "certified historic structure" or certified 44839  
as part of a certified historic structure. 44840

(2) Notwithstanding section 5715.27 of the Revised Code, an 44841  
application for exemption from taxation of property described in 44842  
division (B)(1) of this section may be filed by either the owner 44843  
of the property or an occupant. 44844

(C) For purposes of this section, an institution that meets 44845  
all of the following requirements is conclusively presumed to be a 44846  
charitable institution: 44847

(1) The institution is a nonprofit corporation or 44848  
association, no part of the net earnings of which inures to the 44849  
benefit of any private shareholder or individual; 44850

(2) The institution is exempt from federal income taxation 44851  
under section 501(a) of the Internal Revenue Code; 44852

(3) The majority of the institution's board of directors are 44853  
appointed by the mayor or legislative authority of a municipal 44854  
corporation or a board of county commissioners, or a combination 44855  
thereof; 44856

(4) The primary purpose of the institution is to assist in 44857  
the development and revitalization of downtown urban areas. 44858

(D) For purposes of division (A)(1)(b) of this section, the 44859  
status of a museum as open to the general public shall be 44860

conclusive if the museum is accredited by the American alliance of 44861  
museums or a successor organization. 44862

(E)(1) Qualifying real property owned by an institution that 44863  
meets all of the following requirements shall be considered as 44864  
used exclusively for charitable purposes, and the institution 44865  
shall be considered a charitable institution for purposes of this 44866  
section and section 5709.12 of the Revised Code: 44867

(a) The institution is an organization described under 44868  
section 501(c)(3) of the Internal Revenue Code and exempt from 44869  
federal income taxation under section 501(a) of the Internal 44870  
Revenue Code. 44871

(b) The institution's primary purpose is to acquire, develop, 44872  
lease, or otherwise provide suitable housing to individuals with 44873  
developmental disabilities. 44874

(c) The institution receives at least a portion of its 44875  
funding from one or more county boards of developmental 44876  
disabilities to assist in the institution's primary purpose 44877  
described in division (E)(1)(b) of this section. 44878

(2) As used in division (E) of this section, "qualifying real 44879  
property" means real property that is used primarily in one of the 44880  
following manners: 44881

(a) The property is used by the institution described in 44882  
division (E)(1) of this section for the purpose described in 44883  
division (E)(1)(b) of this section. 44884

(b) The property is leased or otherwise provided by the 44885  
institution described in division (E)(1) of this section to 44886  
individuals with developmental disabilities and used by those 44887  
individuals as housing. 44888

(c) The property is leased or otherwise provided by the 44889  
institution described in division (E)(1) of this section to 44890

another charitable institution, and that charitable institution 44891  
uses the property exclusively for charitable purposes. 44892

(F)(1) Qualifying real property owned by an institution that 44893  
meets all of the following requirements shall be considered as 44894  
used exclusively for charitable purposes, and the institution 44895  
shall be considered a charitable institution for purposes of this 44896  
section and section 5709.12 of the Revised Code: 44897

(a) The institution is either (i) an organization described 44898  
under section 501(c)(3) of the Internal Revenue Code and exempt 44899  
from federal income taxation under section 501(a) of the Internal 44900  
Revenue Code that has as a primary purpose to acquire, develop, 44901  
lease, or otherwise provide suitable supportive housing to 44902  
individuals diagnosed with mental illness or substance use 44903  
disorder and to families residing with such individuals or (ii) a 44904  
limited liability company or limited partnership whose controlling 44905  
or managing member or partner either is an organization described 44906  
in division (F)(1)(a)(i) of this section or is wholly owned by one 44907  
or more such organizations. 44908

(b) One or more of the tax-exempt organizations identified in 44909  
division (F)(1)(a) of this section receives at least a portion of 44910  
its funding to assist in the organization's primary purpose 44911  
described in division (F)(1)(a)(i) of this section from the 44912  
department of mental health and addiction services; one or more 44913  
county boards of alcohol, drug addiction, and mental health 44914  
services; or a local continuum of care program governed by 42 44915  
U.S.C. 11381, et seq. and 24 C.F.R. part 578. 44916

(2) As used in division (F) of this section, "qualifying real 44917  
property" means real property that is used primarily in one of the 44918  
following manners: 44919

(a) The property is used by the institution described in 44920  
division (F)(1) of this section for the purpose described in 44921

division (F)(1)(a)(i) of this section. 44922

(b) The institution (i) leases or otherwise provides the property to individuals diagnosed with mental illness or substance use disorder and to the families residing with such individuals and (ii) makes supportive services available to such individuals and families. 44923  
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(c) The property is leased or otherwise provided by that institution to another charitable institution, and that charitable institution uses the property exclusively for charitable purposes. 44928  
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**Sec. 5709.21.** (A) As used in this section: 44931

(1) "Exclusive property" means real and personal property that is installed, used, and necessary for the operation of an exempt facility, and that is not auxiliary property unless the auxiliary property exempt cost equals or exceeds eighty-five per cent of the total cost of the property. 44932  
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(2) "Auxiliary property" means personal property installed, used, and necessary for the operation of an exempt facility that is also used in other operations of the business other than an exempt facility purpose described in section 5709.20 of the Revised Code. "Auxiliary property" does not include property with an auxiliary property exempt cost that is less than or equal to fifteen per cent of the total cost of such property. 44937  
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(3) "Auxiliary property exempt cost" means the cost of auxiliary property calculated as follows: 44944  
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(a) If the auxiliary property is used for an exempt facility purpose for discrete periods of time, the exempt cost shall be determined by the ratio of time the auxiliary property is in use in such exempt capacity to the total time it is in use. Division (A)(3)(a) of this section does not apply if the property is concurrently used for an exempt facility purpose and a nonexempt 44946  
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facility purpose. 44952

(b) The applicant has the burden of proving the exempt cost 44953  
of all auxiliary property not described in division (A)(3)(a) of 44954  
this section. 44955

(c) Any cost related to an expansion of the commercial or 44956  
industrial site that is not related to the operation of the exempt 44957  
facility shall not be included as an auxiliary exempt cost under 44958  
division (A)(3) of this section. 44959

(B) ~~Application~~ An application for an exempt facility 44960  
certificate shall be filed with the tax commissioner in such 44961  
manner and in such form as prescribed by the tax commissioner. The 44962  
application shall contain plans and specifications of the 44963  
property, including all materials incorporated or to be 44964  
incorporated therein and their associated costs, ~~and~~ a descriptive 44965  
list of all equipment acquired or to be acquired by the applicant 44966  
for the exempt facility and its associated cost, and a list of 44967  
exclusive property installed, used, and necessary for the 44968  
operation of the exempt facility. If the commissioner finds that 44969  
the property was designed primarily as an exempt facility and is 44970  
suitable and reasonably adequate for such purpose and is intended 44971  
for such purpose, the commissioner shall enter a finding and issue 44972  
a certificate to that effect. The effective date of the 44973  
certificate shall be the date the application was made for such 44974  
certificate or the date of the construction of the facility, 44975  
whichever is earlier. 44976

Nothing in this section shall be construed to extend the time 44977  
period to file, to keep the time period to file open, or supersede 44978  
the requirement of filing a tax refund or other tax reduction 44979  
request in the manner and within the time prescribed by law. 44980

(C)(1) Except as provided in division (C)(2) of this section, 44981  
the exempt facility certificate shall permit tax exemption 44982

pursuant to section 5709.25 of the Revised Code only for that 44983  
portion of such exempt facility that is exclusive property used 44984  
for a purpose enumerated in section 5709.20 of the Revised Code. 44985

(2) Auxiliary property shall be permitted a partial tax 44986  
exemption under section 5709.25 of the Revised Code, but only to 44987  
the extent allowed pursuant to division (A)(3) of this section. 44988

(D) The tax commissioner may allow an applicant to file one 44989  
application that applies to more than one exempt facility that are 44990  
the same or substantially similar, so long as such facilities are 44991  
located within the same county. 44992

**Sec. 5726.20.** (A) The tax commissioner may make an 44993  
assessment, based on any information in the commissioner's 44994  
possession, against any person that fails to file a return or 44995  
report or pay any tax as required by this chapter. The reporting 44996  
person for a taxpayer shall file the annual report required under 44997  
section ~~5726.02~~ 5726.03 of the Revised Code and remit the tax 44998  
imposed by this chapter. Each person included in the annual report 44999  
of the taxpayer is jointly and severally liable for the tax 45000  
imposed by this chapter and any penalties and interest thereon. If 45001  
the reporting person fails, for any reason, to file and remit any 45002  
tax, the amount due may be collected by assessment against the 45003  
reporting person and against any or all other persons required to 45004  
be included in the annual report of the taxpayer as provided in 45005  
section 5703.90 of the Revised Code. The commissioner shall make 45006  
the assessment in the manner provided in this section. The 45007  
commissioner shall give the person assessed written notice of the 45008  
assessment as provided in section 5703.37 of the Revised Code. 45009  
With the notice, the commissioner shall provide instructions on 45010  
the manner in which to petition for reassessment and request a 45011  
hearing with respect to the petition. 45012

(B) No assessment shall be made or issued against a person 45013

under this section more than four years after the later of the 45014  
final date the report subject to assessment was required to be 45015  
filed or the date such report was filed. Such time limit may be 45016  
extended if both the person and the commissioner consent in 45017  
writing to the extension or if an agreement waiving or extending 45018  
the time limit has been entered into pursuant to section 122.171 45019  
of the Revised Code. Any such extension shall extend the four-year 45020  
time limit prescribed in division (A) of section 5726.30 of the 45021  
Revised Code for the same period of time. There shall be no bar or 45022  
limit to an assessment against a person that fails to file a 45023  
report subject to assessment as required by this chapter, or that 45024  
files a fraudulent report. 45025

(C) Unless the person assessed, within sixty days after 45026  
service of the notice of assessment, files with the tax 45027  
commissioner, either in person or by certified mail, a written 45028  
petition for reassessment signed by the person or the person's 45029  
authorized agent having knowledge of the facts, the assessment 45030  
shall become final, and the amount of the assessment is due and 45031  
payable from the person assessed to the treasurer of state. A 45032  
petition shall indicate the objections of the person assessed, but 45033  
additional objections may be raised in writing if received by the 45034  
commissioner prior to the date shown on the final determination. 45035  
If a petition for reassessment has been properly filed, the 45036  
commissioner shall proceed under section 5703.60 of the Revised 45037  
Code. 45038

(D)(1) After an assessment becomes final, if any portion of 45039  
the assessment, including any accrued interest, remains unpaid, a 45040  
certified copy of the tax commissioner's entry making the 45041  
assessment final may be filed in the office of the clerk of the 45042  
court of common pleas in the county in which the person resides or 45043  
has its principal place of business in this state, or in the 45044  
office of the clerk of court of common pleas of Franklin county. 45045

(2) Immediately upon the filing of the entry, the clerk shall enter judgment for the state against the person assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the financial institution tax" and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

(3) If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date the tax commissioner issues the assessment until the date the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(E) If the tax commissioner believes that collection of the tax imposed by this chapter will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (D) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's authorized

agent in the manner provided in section 5703.37 of the Revised 45078  
Code within five days of the filing of the entry with the clerk. 45079  
The total amount assessed shall be immediately due and payable, 45080  
unless the person assessed files a petition for reassessment in 45081  
accordance with division (C) of this section and provides security 45082  
in a form satisfactory to the commissioner and in an amount 45083  
sufficient to satisfy the unpaid balance of the assessment. Full 45084  
or partial payment of the assessment shall not prejudice the 45085  
commissioner's consideration of the petition for reassessment. 45086

(F) The tax commissioner shall immediately forward to the 45087  
treasurer of state all amounts the commissioner receives under 45088  
this section. Such amounts shall be considered as revenue arising 45089  
from the tax imposed by this chapter. 45090

(G) If the tax commissioner possesses information indicating 45091  
that the amount of tax a taxpayer is required to pay under this 45092  
chapter exceeds the amount the reporting person for the taxpayer 45093  
paid, the tax commissioner may audit a sample of the taxpayer's 45094  
gross receipts over a representative period of time to ascertain 45095  
the amount of tax due, and may issue an assessment based on the 45096  
audit. The tax commissioner shall make a good faith effort to 45097  
reach agreement with the taxpayer in selecting a representative 45098  
sample. The tax commissioner may apply a sampling method only if 45099  
the commissioner has prescribed the method by rule. 45100

(H) If the whereabouts of a person subject to this chapter is 45101  
not known to the tax commissioner, the secretary of state is 45102  
hereby deemed to be that person's agent for purposes of service of 45103  
process or notice of any assessment, action, or proceedings 45104  
instituted in this state against the person under this chapter. 45105  
Such process or notice shall be served on such person by the 45106  
commissioner or by an agent of the commissioner by leaving a true 45107  
and attested copy of the process or notice at the office of the 45108  
secretary of state at least fifteen days before the return day of 45109

such process or notice, and by sending a copy of the process or 45110  
notice to such person by ordinary mail, with an endorsement 45111  
thereon of the service upon the secretary of state, addressed to 45112  
such person at the person's last known address. 45113

**Sec. 5731.21.** (A)(1)(a) Except as provided under division 45114  
(A)(3) of this section, the executor or administrator, or, if no 45115  
executor or administrator has been appointed, another person in 45116  
possession of property the transfer of which is subject to estate 45117  
taxes under section 5731.02 or division (A) of section 5731.19 of 45118  
the Revised Code, shall file an estate tax return, within nine 45119  
months of the date of the decedent's death, in the form prescribed 45120  
by the tax commissioner, in duplicate, with the probate court of 45121  
the county. The return shall include all property the transfer of 45122  
which is subject to estate taxes, whether that property is 45123  
transferred under the last will and testament of the decedent or 45124  
otherwise. The time for filing the return may be extended by the 45125  
tax commissioner. 45126

(b) The estate tax return described in division (A)(1)(a) of 45127  
this section shall be accompanied by a certificate, in the form 45128  
prescribed by the tax commissioner, that is signed by the 45129  
executor, administrator, or other person required to file the 45130  
return, and that states all of the following: 45131

(i) The fact that the return was filed; 45132

(ii) The date of the filing of the return; 45133

(iii) The fact that the estate taxes under section 5731.02 or 45134  
division (A) of section 5731.19 of the Revised Code, that are 45135  
shown to be due in the return, have been paid in full; 45136

(iv) If applicable, the fact that real property listed in the 45137  
inventory for the decedent's estate is included in the return; 45138

(v) If applicable, the fact that real property not listed in 45139

the inventory for the decedent's estate, including, but not 45140  
limited to, survivorship tenancy property as described in section 45141  
5302.17 of the Revised Code or transfer on death property as 45142  
described in sections 5302.22 and 5302.23 of the Revised Code, 45143  
also is included in the return. In this regard, the certificate 45144  
additionally shall describe that real property by the same 45145  
description used in the return. 45146

(2) The probate court shall forward one copy of the estate 45147  
tax return described in division (A)(1)(a) of this section to the 45148  
tax commissioner. 45149

(3) A person shall not be required to file a return under 45150  
division (A) of this section if the decedent was a resident of 45151  
this state and the value of the decedent's gross estate is 45152  
twenty-five thousand dollars or less in the case of a decedent 45153  
dying on or after July 1, 1968, but before January 1, 2001; two 45154  
hundred thousand dollars or less in the case of a decedent dying 45155  
on or after January 1, 2001, but before January 1, 2002; or three 45156  
hundred thirty-eight thousand three hundred thirty-three dollars 45157  
or less in the case of a decedent dying on or after January 1, 45158  
2002. No return shall be filed for estates of decedents dying on 45159  
or after January 1, 2013. 45160

(4)(a) Upon receipt of the estate tax return described in 45161  
division (A)(1)(a) of this section and the accompanying 45162  
certificate described in division (A)(1)(b) of this section, the 45163  
probate court promptly shall give notice of the return, by a form 45164  
prescribed by the tax commissioner, to the county auditor. The 45165  
auditor then shall make a charge based upon the notice and shall 45166  
certify a duplicate of the charge to the county treasurer. The 45167  
treasurer then shall collect, subject to division (A) of section 45168  
5731.25 of the Revised Code or any other statute extending the 45169  
time for payment of an estate tax, the tax so charged. 45170

(b) Upon receipt of the return and the accompanying 45171

certificate, the probate court also shall forward the certificate 45172  
to the auditor. When satisfied that the estate taxes under section 45173  
5731.02 or division (A) of section 5731.19 of the Revised Code, 45174  
that are shown to be due in the return, have been paid in full, 45175  
the auditor shall stamp the certificate so forwarded to verify 45176  
that payment. The auditor then shall return the stamped 45177  
certificate to the probate court. 45178

(5)(a) The certificate described in division (A)(1)(b) of 45179  
this section is a public record subject to inspection and copying 45180  
in accordance with section 149.43 of the Revised Code. It shall be 45181  
kept in the records of the probate court pertaining to the 45182  
decedent's estate and is not subject to the confidentiality 45183  
provisions of section 5731.90 of the Revised Code. 45184

(b) All persons are entitled to rely on the statements 45185  
contained in a certificate as described in division (A)(1)(b) of 45186  
this section if it has been filed in accordance with that 45187  
division, forwarded to a county auditor and stamped in accordance 45188  
with division (A)(4) of this section, and placed in the records of 45189  
the probate court pertaining to the decedent's estate in 45190  
accordance with division (A)(5)(a) of this section. The real 45191  
property referred to in the certificate shall be free of, and may 45192  
be regarded by all persons as being free of, any lien for estate 45193  
taxes under section 5731.02 and division (A) of section 5731.19 of 45194  
the Revised Code. 45195

(B) An estate tax return filed under this section, in the 45196  
form prescribed by the tax commissioner, and showing that no 45197  
estate tax is due shall result in a determination that no estate 45198  
tax is due, if the tax commissioner within three months after the 45199  
receipt of the return by the department of taxation, fails to file 45200  
exceptions to the return in the probate court of the county in 45201  
which the return was filed. A copy of exceptions to a return of 45202  
that nature, when the tax commissioner files them within that 45203

period, shall be sent by ordinary mail to the person who filed the 45204  
return. The tax commissioner is not bound under this division by a 45205  
determination that no estate tax is due, with respect to property 45206  
not disclosed in the return. 45207

(C) If the executor, administrator, or other person required 45208  
to file an estate tax return fails to file it within nine months 45209  
of the date of the decedent's death, the tax commissioner may 45210  
determine the estate tax in that estate and issue a certificate of 45211  
determination in the same manner as is provided in division (B) of 45212  
section 5731.27 of the Revised Code. A certificate of 45213  
determination of that nature has the same force and effect as 45214  
though a return had been filed and a certificate of determination 45215  
issued with respect to the return. 45216

(D) No return shall be filed under this section or section 45217  
5731.24 of the Revised Code, and no tax shall be due under this 45218  
chapter, with respect to either of the following: 45219

(1) Property first discovered after December 31, 2021, that 45220  
would otherwise be subject to the tax imposed by this chapter; 45221

(2) Property first discovered on or before December 31, 2021, 45222  
but not disclosed on a return or included in a certificate of 45223  
determination issued by the tax commissioner on or before December 45224  
31, 2021. 45225

Nothing in this division shall be construed to affect any 45226  
estate tax liability determined by the tax commissioner for 45227  
returns filed on or before December 31, 2021, or any tax liability 45228  
determined under an agreement entered into under division (C) of 45229  
section 5731.26 of the Revised Code. The estate shall pay any such 45230  
liability. 45231

**Sec. 5731.24.** ¶ Except as provided in division (D) of 45232  
section 5731.21 of the Revised Code, if an additional tax 45233

prescribed by section 5731.18 of the Revised Code is due, the 45234  
executor, administrator, or other person required to file the 45235  
estate tax return, within sixty days after the date of the final 45236  
determination of the federal estate tax liability, shall file an 45237  
additional tax return, in the form prescribed by the tax 45238  
commissioner, in the same manner as is prescribed for the filing 45239  
of the estate tax return. Subject to division (A) of section 45240  
5731.25 of the Revised Code or any other ~~state~~ statute extending 45241  
the time for payment of an estate tax, the additional tax shall be 45242  
paid, without notice or demand by the tax commissioner, with the 45243  
return, and shall be charged and collected in the same manner as 45244  
the estate tax, except that no interest shall accrue until sixty 45245  
days after the date of the final determination of the federal 45246  
estate tax liability. 45247

**Sec. 5731.28.** If any debts deductible under section 5731.16 45248  
of the Revised Code are proved against the gross estate after the 45249  
tax levied by section 5731.02 or division (A) of section 5731.19 45250  
of the Revised Code has been determined, or if the determination 45251  
of taxes so made is erroneous due to a mistake of fact or law, a 45252  
claim for refund of tax may be filed by an executor, 45253  
administrator, trustee, person in possession of property subject 45254  
to tax, or any transferee thereof, within three years from the 45255  
time the return was required to be filed (determined without 45256  
regard to any extension of time for filing) or before January 1, 45257  
2022, whichever is earlier, in the form prescribed by the tax 45258  
commissioner. The claim for refund shall be filed in the same 45259  
manner as is prescribed for the filing of a return in section 45260  
5731.21 of the Revised Code and the determination of its 45261  
correctness shall be made in the same manner as is provided for in 45262  
the case of the return itself. 45263

**Sec. 5731.41.** To enforce section 5731.39 of the Revised Code, 45264

and to administer Chapters 5713. and 4503. of the Revised Code the 45265  
tax commissioner may appoint agents in the unclassified civil 45266  
service who shall perform such duties as are prescribed by the 45267  
commissioner. Such agents shall, as compensation, receive annually 45268  
eight cents per capita for each full one thousand of the first 45269  
twenty thousand of the population of the county and two cents per 45270  
capita for each full one thousand over twenty thousand of the 45271  
population of the county, as shown by the ~~last~~ 2010 federal 45272  
census, which shall be paid in equal monthly installments from the 45273  
undivided inheritance or estate tax fund in the county treasury on 45274  
the warrant of the county auditor or, if the balance of that fund 45275  
is not sufficient to make such payments, from the county real 45276  
estate assessment fund pursuant to division (B)(6) of section 45277  
325.31 of the Revised Code, any other provision of law to the 45278  
contrary notwithstanding. The amount paid to any agent in the 45279  
unclassified service for all of the duties performed under this 45280  
section, as directed by the commissioner, shall not exceed three 45281  
thousand nor be less than twelve hundred dollars in any calendar 45282  
year. 45283

**Sec. 5741.01.** As used in this chapter: 45284

(A) "Person" includes individuals, receivers, assignees, 45285  
trustees in bankruptcy, estates, firms, partnerships, 45286  
associations, joint-stock companies, joint ventures, clubs, 45287  
societies, corporations, business trusts, governments, and 45288  
combinations of individuals of any form. 45289

(B) "Storage" means and includes any keeping or retention in 45290  
this state for use or other consumption in this state. 45291

(C) "Use" means and includes the exercise of any right or 45292  
power incidental to the ownership of the thing used. A thing is 45293  
also "used" in this state if its consumer gives or otherwise 45294  
distributes it, without charge, to recipients in this state. 45295

(D) "Purchase" means acquired or received for a 45296  
consideration, whether such acquisition or receipt was effected by 45297  
a transfer of title, or of possession, or of both, or a license to 45298  
use or consume; whether such transfer was absolute or conditional, 45299  
and by whatever means the transfer was effected; and whether the 45300  
consideration was money, credit, barter, or exchange. Purchase 45301  
includes production, even though the article produced was used, 45302  
stored, or consumed by the producer. The transfer of copyrighted 45303  
motion picture films for exhibition purposes is not a purchase, 45304  
except such films as are used solely for advertising purposes. 45305

(E) "Seller" means the person from whom a purchase is made, 45306  
and includes every person engaged in this state or elsewhere in 45307  
the business of selling tangible personal property or providing a 45308  
service for storage, use, or other consumption or benefit in this 45309  
state; and when, in the opinion of the tax commissioner, it is 45310  
necessary for the efficient administration of this chapter, to 45311  
regard any salesperson, representative, peddler, or canvasser as 45312  
the agent of a dealer, distributor, supervisor, or employer under 45313  
whom the person operates, or from whom the person obtains tangible 45314  
personal property, sold by the person for storage, use, or other 45315  
consumption in this state, irrespective of whether or not the 45316  
person is making such sales on the person's own behalf, or on 45317  
behalf of such dealer, distributor, supervisor, or employer, the 45318  
commissioner may regard the person as such agent, and may regard 45319  
such dealer, distributor, supervisor, or employer as the seller. A 45320  
marketplace facilitator shall be treated as the "seller" with 45321  
respect to all sales facilitated by the marketplace facilitator on 45322  
behalf of one or more marketplace sellers on and after the first 45323  
day of the first month that begins at least thirty days after the 45324  
marketplace facilitator first has substantial nexus with this 45325  
state. Otherwise, "seller" does not include any person to the 45326  
extent the person provides a communications medium, such as, but 45327  
not limited to, newspapers, magazines, radio, television, or cable 45328

television, by means of which sellers solicit purchases of their goods or services.

(F) "Consumer" means any person who has purchased tangible personal property or has been provided a service for storage, use, or other consumption or benefit in this state. "Consumer" does not include a person who receives, without charge, tangible personal property or a service.

A person who performs a facility management or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E) of section 5739.01 of the Revised Code.

(G)(1) "Price," except as provided in divisions (G)(2) to (6) of this section, has the same meaning as in division (H)(1) of section 5739.01 of the Revised Code.

(2) In the case of watercraft, outboard motors, or new motor vehicles, "price" has the same meaning as in divisions (H)(2) and (3) of section 5739.01 of the Revised Code.

(3) In the case of a nonresident business consumer that purchases and uses tangible personal property outside this state and subsequently temporarily stores, uses, or otherwise consumes such tangible personal property in the conduct of business in this state, the consumer or the tax commissioner may determine the price based on the value of the temporary storage, use, or other consumption, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(4) In the case of tangible personal property held in this state as inventory for sale or lease, and that is temporarily

stored, used, or otherwise consumed in a taxable manner, the price 45360  
is the value of the temporary use. A price determination made by 45361  
the consumer is subject to review and redetermination by the 45362  
commissioner. 45363

(5) In the case of tangible personal property originally 45364  
purchased and used by the consumer outside this state, and that 45365  
becomes permanently stored, used, or otherwise consumed in this 45366  
state more than six months after its acquisition by the consumer, 45367  
the consumer or the commissioner may determine the price based on 45368  
the current value of such tangible personal property, in lieu of 45369  
determining the price pursuant to division (G)(1) of this section. 45370  
A price determination made by the consumer is subject to review 45371  
and redetermination by the commissioner. 45372

(6) If a consumer produces tangible personal property for 45373  
sale and removes that property from inventory for the consumer's 45374  
own use, the price is the produced cost of that tangible personal 45375  
property. 45376

(H) "Nexus with this state" means that the seller engages in 45377  
continuous and widespread solicitation of purchases from residents 45378  
of this state or otherwise purposefully directs its business 45379  
activities at residents of this state. 45380

(I)(1) "Substantial nexus with this state" means that the 45381  
seller has sufficient contact with this state, in accordance with 45382  
Section 8 of Article I of the Constitution of the United States, 45383  
to allow the state to require the seller to collect and remit use 45384  
tax on sales of tangible personal property or services made to 45385  
consumers in this state. 45386

(2) "Substantial nexus with this state" is presumed to exist 45387  
when the seller does any of the following: 45388

(a) Uses an office, distribution facility, warehouse, storage 45389  
facility, or similar place of business within this state, whether 45390

operated by the seller or any other person, other than a common carrier acting in its capacity as a common carrier. 45391  
45392

(b) Regularly uses employees, agents, representatives, solicitors, installers, repairers, salespersons, or other persons in this state for the purpose of conducting the business of the seller or either to engage in a business with the same or a similar industry classification as the seller selling a similar product or line of products as the seller, or to use trademarks, service marks, or trade names in this state that are the same or substantially similar to those used by the seller. 45393  
45394  
45395  
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(c) Uses any person, other than a common carrier acting in its capacity as a common carrier, in this state for any of the following purposes: 45401  
45402  
45403

(i) Receiving or processing orders of the seller's goods or services; 45404  
45405

(ii) Using that person's employees or facilities in this state to advertise, promote, or facilitate sales by the seller to customers; 45406  
45407  
45408

(iii) Delivering, installing, assembling, or performing maintenance services for the seller's customers; 45409  
45410

(iv) Facilitating the seller's delivery of tangible personal property to customers in this state by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage facility, or similar place of business. 45411  
45412  
45413  
45414  
45415

(d) Makes regular deliveries of tangible personal property into this state by means other than common carrier. 45416  
45417

(e) Has an affiliated person that has substantial nexus with this state. 45418  
45419

(f) Owns tangible personal property that is rented or leased 45420

to a consumer in this state, or offers tangible personal property, 45421  
on approval, to consumers in this state. 45422

(g) Has gross receipts in excess of one hundred thousand 45423  
dollars in the current or preceding calendar year from the sale of 45424  
tangible personal property for storage, use, or consumption in 45425  
this state or from providing services the benefit of which is 45426  
realized in this state. 45427

(h) Engages, in the current or preceding calendar year, in 45428  
two hundred or more separate transactions selling tangible 45429  
personal property for storage, use, or consumption in this state 45430  
or providing services the benefit of which is realized in this 45431  
state. 45432

(3) A seller presumed to have substantial nexus with this 45433  
state under divisions (I)(2)(a) to (f), (g), and (h) of this 45434  
section may rebut that presumption by demonstrating that 45435  
activities described in any of those divisions that are conducted 45436  
by a person in this state on the seller's behalf are not 45437  
significantly associated with the seller's ability to establish or 45438  
maintain a market in this state for the seller's sales. 45439

(4) A marketplace facilitator is presumed to have substantial 45440  
nexus with this state if either of the following apply in the 45441  
current or preceding calendar year: 45442

(a) The aggregate gross receipts derived from sales of 45443  
tangible personal property for storage, use, or consumption in 45444  
this state or services the benefit of which is realized in this 45445  
state, including sales made by the marketplace facilitator on its 45446  
own behalf and sales facilitated by the marketplace facilitator on 45447  
behalf of one or more marketplace sellers, exceed one hundred 45448  
thousand dollars; 45449

(b) The marketplace facilitator engages in on its own behalf, 45450  
or facilitates on behalf of one or more marketplace sellers, two 45451

hundred or more separate transactions selling tangible personal 45452  
property for storage, use, or consumption in this state or 45453  
services the benefit of which is realized in this state. 45454

(5) A seller that does not have substantial nexus with this 45455  
state, and any affiliated person of the seller, before selling or 45456  
leasing tangible personal property or services to a state agency, 45457  
shall register with the tax commissioner in the same manner as a 45458  
seller described in division (A)(1) of section 5741.17 of the 45459  
Revised Code. 45460

(6) As used in division (I) of this section: 45461

(a) "Affiliated person" means any person that is a member of 45462  
the same controlled group of corporations as the seller or any 45463  
other person that, notwithstanding the form of organization, bears 45464  
the same ownership relationship to the seller as a corporation 45465  
that is a member of the same controlled group of corporations. 45466

(b) "Controlled group of corporations" has the same meaning 45467  
as in section 1563(a) of the Internal Revenue Code. 45468

(c) "State agency" has the same meaning as in section 1.60 of 45469  
the Revised Code. 45470

(J) "Fiscal officer" means, with respect to a regional 45471  
transit authority, the secretary-treasurer thereof, and with 45472  
respect to a county which is a transit authority, the fiscal 45473  
officer of the county transit board appointed pursuant to section 45474  
306.03 of the Revised Code or, if the board of county 45475  
commissioners operates the county transit system, the county 45476  
auditor. 45477

(K) "Territory of the transit authority" means all of the 45478  
area included within the territorial boundaries of a transit 45479  
authority as they from time to time exist. Such territorial 45480  
boundaries must at all times include all the area of a single 45481  
county or all the area of the most populous county which is a part 45482

of such transit authority. County population shall be measured by 45483  
the most recent census taken by the United States census bureau. 45484

(L) "Transit authority" means a regional transit authority 45485  
created pursuant to section 306.31 of the Revised Code or a county 45486  
in which a county transit system is created pursuant to section 45487  
306.01 of the Revised Code. For the purposes of this chapter, a 45488  
transit authority must extend to at least the entire area of a 45489  
single county. A transit authority which includes territory in 45490  
more than one county must include all the area of the most 45491  
populous county which is a part of such transit authority. County 45492  
population shall be measured by the most recent census taken by 45493  
the United States census bureau. 45494

(M) "Providing a service" has the same meaning as in section 45495  
5739.01 of the Revised Code. 45496

(N) "Other consumption" includes receiving the benefits of a 45497  
service. 45498

(O) "Lease" or "rental" has the same meaning as in section 45499  
5739.01 of the Revised Code. 45500

(P) "Certified service provider" has the same meaning as in 45501  
section 5740.01 of the Revised Code. 45502

~~(Q) "Remote sale" means a sale for which the seller could not 45503  
be legally required to pay, collect, or remit a tax imposed under 45504  
this chapter or Chapter 5739. of the Revised Code, unless 45505  
otherwise provided by the laws of the United States. 45506~~

~~(R) "Remote seller" means a seller that lacks substantial 45507  
nexus with this state but is required to register with the tax 45508  
commissioner under section 5741.17 of the Revised Code pursuant to 45509  
federal law authorizing states to require such sellers to 45510  
register, collect, and remit use tax. A seller that is not 45511  
required to register with the commissioner under division (A) of 45512  
section 5741.17 of the Revised Code but registers voluntarily 45513~~

~~under division (B) of that section is not a "remote seller." A 45514  
seller that registers with the commissioner under section 5741.17 45515  
of the Revised Code after the effective date of any federal law 45516  
that authorizes states to require sellers that lack substantial 45517  
nexus with the state to register, collect, and remit use tax is 45518  
presumed to be a "remote seller." The seller or the commissioner 45519  
may rebut this presumption with evidence that the seller has 45520  
substantial nexus with this state. 45521~~

~~(S) "Remote small seller" means a remote seller that has 45522  
gross annual receipts from remote sales in the United States not 45523  
exceeding one million dollars for the preceding calendar year. For 45524  
the purposes of determining whether a person is a small remote 45525  
seller, the sales of all persons related within the meaning of 45526  
subsection (b) or (c) of section 267 or section 707(b)(1) of the 45527  
Internal Revenue Code shall be aggregated, and persons with one or 45528  
more ownership relationships shall be aggregated if those 45529  
relationships were designed with the principal purpose to qualify 45530  
as a remote small seller. 45531~~

~~(T) "Marketplace facilitator" means a person that owns, 45532  
operates, or controls a physical or electronic marketplace through 45533  
which retail sales are facilitated on behalf of one or more 45534  
marketplace sellers, or an affiliate of such a person. 45535  
"Marketplace facilitator" does not include a person that provides 45536  
advertising services, including tangible personal property or 45537  
services listed for sale, if the advertising service platform or 45538  
forum does not engage directly or indirectly through one or more 45539  
affiliated persons in the activities described in division ~~(W)(2)~~ 45540  
(T)(2) of this section. 45541~~

~~(U) (R) "Marketplace seller" means a person on behalf of 45542  
which a marketplace facilitator facilitates the sale of tangible 45543  
personal property for storage, use, or consumption in this state 45544  
or services the benefit of which are realized in this state, 45545~~

regardless of whether or not the person has a substantial nexus 45546  
with this state. 45547

~~(V)~~ (S) "Electronic marketplace" includes digital 45548  
distribution services, digital distribution platforms, online 45549  
portals, application stores, computer software applications, 45550  
in-app purchase mechanisms, or other digital products. 45551

~~(W)~~ (T) A sale is "facilitated" by a marketplace facilitator 45552  
on behalf of a marketplace seller if it satisfies divisions ~~(W)~~~~(1)~~ 45553  
(T)(1), (2), and (3) of this section: 45554

(1) The marketplace facilitator, directly or indirectly, does 45555  
any of the following: 45556

(a) Lists, makes available, or advertises the tangible 45557  
personal property or services that are the subject of the sale in 45558  
a physical or electronic marketplace owned, operated, or 45559  
controlled by the marketplace facilitator; 45560

(b) Transmits or otherwise communicates an offer or 45561  
acceptance of the sale between the marketplace seller and the 45562  
purchaser in a shop, store, booth, catalog, internet site, or 45563  
other similar forum; 45564

(c) Owns, rents, licenses, makes available, or operates any 45565  
electronic or physical infrastructure or any property, process, 45566  
method, copyright, trademark, or patent that connects the 45567  
marketplace seller to the purchaser for the purpose of making 45568  
sales; 45569

(d) Provides the marketplace in which the sale was made or 45570  
otherwise facilitates the sale regardless of ownership or control 45571  
of the tangible personal property or services that are the subject 45572  
of the sale; 45573

(e) Provides software development or research and development 45574  
services directly related to a physical or electronic marketplace 45575

that is involved in one or more of the activities described in 45576  
division ~~(W)(1)~~ (T)(1) of this section; 45577

(f) Provides fulfillment or storage services for the 45578  
marketplace seller that are related to the tangible personal 45579  
property or services that are the subject of the sale; 45580

(g) Sets the price of the sale on behalf of the marketplace 45581  
seller; 45582

(h) Provides or offers customer service to the marketplace 45583  
seller or the marketplace seller's customers, or accepts or 45584  
assists with taking orders, returns, or exchanges of the tangible 45585  
personal property or services that are the subject of the sale; 45586

(i) Brands or otherwise identifies the sale as a sale of the 45587  
marketplace facilitator. 45588

(2) The marketplace facilitator, directly or indirectly, does 45589  
any of the following: 45590

(a) Collects the price of the tangible personal property or 45591  
services sold to the consumer; 45592

(b) Provides payment processing services for the sale; 45593

(c) Collects payment in connection with the sale from the 45594  
consumer through terms and conditions, agreements, or arrangements 45595  
with a third party, and transmits that payment to the marketplace 45596  
seller, regardless of whether the person collecting and 45597  
transmitting such payment receives compensation or other 45598  
consideration in exchange for the service; 45599

(d) Provides virtual currency that consumers are allowed or 45600  
required to use to purchase the tangible personal property or 45601  
services that are the subject of the sale. 45602

(3) The subject of the sale is tangible personal property or 45603  
services other than lodging by a hotel that is or is to be 45604  
furnished to transient guests. 45605

Sec. 5741.03. (A) One hundred per cent of all money deposited 45606  
into the state treasury under sections 5741.01 to 5741.22 of the 45607  
Revised Code that is not required to be distributed as provided in 45608  
division (B) of this section shall be credited to the general 45609  
revenue fund. 45610

(B) In any case where any county or transit authority has 45611  
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 45612  
5741.023 of the Revised Code, the tax commissioner shall, within 45613  
forty-five days after the end of each month, determine and certify 45614  
to the director of budget and management the amount of the 45615  
proceeds of such tax or taxes from billings and assessments 45616  
received during that month, or shown on tax returns or reports 45617  
filed during that month, to be returned to the county or transit 45618  
authority levying the tax or taxes, which amounts shall be 45619  
determined in the manner provided in section 5739.21 of the 45620  
Revised Code. The director of budget and management shall 45621  
transfer, from the general revenue fund, to the permissive tax 45622  
distribution fund created by division (B)(1) of section 4301.423 45623  
of the Revised Code and to the local sales tax administrative fund 45624  
created by division (C) of section 5739.21 of the Revised Code, 45625  
the amounts certified by the tax commissioner. The tax 45626  
commissioner shall then, on or before the twentieth day of the 45627  
month in which such certification is made, provide for payment of 45628  
such respective amounts to the county treasurer or to the fiscal 45629  
officer of the transit authority levying the tax or taxes. The 45630  
amount transferred to the local sales tax administrative fund is 45631  
for use by the tax commissioner in defraying costs the 45632  
commissioner incurs in administering such taxes levied by a county 45633  
or transit authority. 45634

~~(C)(1) Not later than the first day of each January and July 45635  
following the date remote sellers are first required to register, 45636  
collect, and remit use tax under this chapter, the tax 45637~~

~~commissioner and the director of budget and management shall 45638  
jointly determine the amount of tax imposed by section 5741.02 of 45639  
the Revised Code and remitted under this chapter by remote sellers 45640  
during the six month period ending on the preceding last day of 45641  
November and of May, respectively, reduced by any refunds issued 45642  
during the six month period to remote sellers from the tax refund 45643  
fund on account of that tax. 45644~~

~~(2) Not later than that last day of each January and July 45645  
following the date the commissioner and the director make a 45646  
determination under division (C)(1) of this section, the director 45647  
of budget and management shall transfer from the general revenue 45648  
fund to the income tax reduction fund the amount determined under 45649  
that division. Amounts transferred to the income tax reduction 45650  
fund under this division shall be included in the determination of 45651  
the percentage under division (B)(2) of section 131.44 of the 45652  
Revised Code required to be made by the thirty first day of July 45653  
of the calendar year in which the commissioner makes the 45654  
certifications under this division. 45655~~

**Sec. 5747.01.** Except as otherwise expressly provided or 45657  
clearly appearing from the context, any term used in this chapter 45658  
that is not otherwise defined in this section has the same meaning 45659  
as when used in a comparable context in the laws of the United 45660  
States relating to federal income taxes or if not used in a 45661  
comparable context in those laws, has the same meaning as in 45662  
section 5733.40 of the Revised Code. Any reference in this chapter 45663  
to the Internal Revenue Code includes other laws of the United 45664  
States relating to federal income taxes. 45665

As used in this chapter: 45666

(A) "Adjusted gross income" or "Ohio adjusted gross income" 45667  
means federal adjusted gross income, as defined and used in the 45668  
Internal Revenue Code, adjusted as provided in this section: 45669

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities. 45670  
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(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes. 45673  
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(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States. 45678  
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(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income. 45684  
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(5) Deduct ~~benefits~~ the following, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income: 45686  
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(a) Benefits under Title II of the Social Security Act and tier 1 railroad retirement ~~benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code;~~ 45689  
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(b) Railroad retirement benefits, other than tier 1 railroad retirement benefits, to the extent such amounts are exempt from state taxation under federal law. 45693  
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(6) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal adjusted gross income for the taxable year, had the ~~targeted jobs~~ work opportunity tax credit allowed and determined under sections 38, 45696  
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51, and 52 of the Internal Revenue Code not been in effect. 45701

(7) Deduct any interest or interest equivalent on public 45702  
obligations and purchase obligations to the extent that the 45703  
interest or interest equivalent is included in federal adjusted 45704  
gross income. 45705

(8) Add any loss or deduct any gain resulting from the sale, 45706  
exchange, or other disposition of public obligations to the extent 45707  
that the loss has been deducted or the gain has been included in 45708  
computing federal adjusted gross income. 45709

(9) Deduct or add amounts, as provided under section 5747.70 45710  
of the Revised Code, related to contributions to variable college 45711  
savings program accounts made or tuition units purchased pursuant 45712  
to Chapter 3334. of the Revised Code. 45713

(10)(a) Deduct, to the extent not otherwise allowable as a 45714  
deduction or exclusion in computing federal or Ohio adjusted gross 45715  
income for the taxable year, the amount the taxpayer paid during 45716  
the taxable year for medical care insurance and qualified 45717  
long-term care insurance for the taxpayer, the taxpayer's spouse, 45718  
and dependents. No deduction for medical care insurance under 45719  
division (A)(10)(a) of this section shall be allowed either to any 45720  
taxpayer who is eligible to participate in any subsidized health 45721  
plan maintained by any employer of the taxpayer or of the 45722  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 45723  
application would be entitled to, benefits under part A of Title 45724  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 45725  
301, as amended. For the purposes of division (A)(10)(a) of this 45726  
section, "subsidized health plan" means a health plan for which 45727  
the employer pays any portion of the plan's cost. The deduction 45728  
allowed under division (A)(10)(a) of this section shall be the net 45729  
of any related premium refunds, related premium reimbursements, or 45730  
related insurance premium dividends received during the taxable 45731  
year. 45732

(b) Deduct, to the extent not otherwise deducted or excluded 45733  
in computing federal or Ohio adjusted gross income during the 45734  
taxable year, the amount the taxpayer paid during the taxable 45735  
year, not compensated for by any insurance or otherwise, for 45736  
medical care of the taxpayer, the taxpayer's spouse, and 45737  
dependents, to the extent the expenses exceed seven and one-half 45738  
per cent of the taxpayer's federal adjusted gross income. 45739

(c) For purposes of division (A)(10) of this section, 45740  
"medical care" has the meaning given in section 213 of the 45741  
Internal Revenue Code, subject to the special rules, limitations, 45742  
and exclusions set forth therein, and "qualified long-term care" 45743  
has the same meaning given in section 7702B(c) of the Internal 45744  
Revenue Code. Solely for purposes of division (A)(10)(a) of this 45745  
section, "dependent" includes a person who otherwise would be a 45746  
"qualifying relative" and thus a "dependent" under section 152 of 45747  
the Internal Revenue Code but for the fact that the person fails 45748  
to meet the income and support limitations under section 45749  
152(d)(1)(B) and (C) of the Internal Revenue Code. 45750

(11)(a) Deduct any amount included in federal adjusted gross 45751  
income solely because the amount represents a reimbursement or 45752  
refund of expenses that in any year the taxpayer had deducted as 45753  
an itemized deduction pursuant to section 63 of the Internal 45754  
Revenue Code and applicable United States department of the 45755  
treasury regulations. The deduction otherwise allowed under 45756  
division (A)(11)(a) of this section shall be reduced to the extent 45757  
the reimbursement is attributable to an amount the taxpayer 45758  
deducted under this section in any taxable year. 45759

(b) Add any amount not otherwise included in Ohio adjusted 45760  
gross income for any taxable year to the extent that the amount is 45761  
attributable to the recovery during the taxable year of any amount 45762  
deducted or excluded in computing federal or Ohio adjusted gross 45763  
income in any taxable year. 45764

(12) Deduct any portion of the deduction described in section 45765  
1341(a)(2) of the Internal Revenue Code, for repaying previously 45766  
reported income received under a claim of right, that meets both 45767  
of the following requirements: 45768

(a) It is allowable for repayment of an item that was 45769  
included in the taxpayer's adjusted gross income for a prior 45770  
taxable year and did not qualify for a credit under division (A) 45771  
or (B) of section 5747.05 of the Revised Code for that year; 45772

(b) It does not otherwise reduce the taxpayer's adjusted 45773  
gross income for the current or any other taxable year. 45774

(13) Deduct an amount equal to the deposits made to, and net 45775  
investment earnings of, a medical savings account during the 45776  
taxable year, in accordance with section 3924.66 of the Revised 45777  
Code. The deduction allowed by division (A)(13) of this section 45778  
does not apply to medical savings account deposits and earnings 45779  
otherwise deducted or excluded for the current or any other 45780  
taxable year from the taxpayer's federal adjusted gross income. 45781

(14)(a) Add an amount equal to the funds withdrawn from a 45782  
medical savings account during the taxable year, and the net 45783  
investment earnings on those funds, when the funds withdrawn were 45784  
used for any purpose other than to reimburse an account holder 45785  
for, or to pay, eligible medical expenses, in accordance with 45786  
section 3924.66 of the Revised Code; 45787

(b) Add the amounts distributed from a medical savings 45788  
account under division (A)(2) of section 3924.68 of the Revised 45789  
Code during the taxable year. 45790

(15) Add any amount claimed as a credit under section 45791  
5747.059 of the Revised Code to the extent that such amount 45792  
satisfies either of the following: 45793

(a) The amount was deducted or excluded from the computation 45794  
of the taxpayer's federal adjusted gross income as required to be 45795

reported for the taxpayer's taxable year under the Internal Revenue Code; 45796  
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(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code. 45798  
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(16) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(16) of this section. 45801  
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(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest. 45809  
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(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass-through entity in which the taxpayer has a direct or indirect ownership interest. 45816  
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(iii) Subject to division (A)(17)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, if the increase in income taxes withheld by the taxpayer is equal to or greater than ten per cent of income taxes withheld by the taxpayer during the taxpayer's immediately preceding taxable year, "two-thirds" shall 45822  
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be substituted for "five-sixths" for the purpose of divisions 45827  
(A)(17)(a)(i) and (ii) of this section. 45828

(iv) Subject to division (A)(17)(a)(v) of this section, for 45829  
taxable years beginning in 2012 or thereafter, a taxpayer is not 45830  
required to add an amount under division (A)(17) of this section 45831  
if the increase in income taxes withheld by the taxpayer and by 45832  
any pass-through entity in which the taxpayer has a direct or 45833  
indirect ownership interest is equal to or greater than the sum of 45834  
(I) the amount of qualifying section 179 depreciation expense and 45835  
(II) the amount of depreciation expense allowed to the taxpayer by 45836  
subsection (k) of section 168 of the Internal Revenue Code, and 45837  
including the taxpayer's proportionate or distributive shares of 45838  
such amounts allowed to any such pass-through entities. 45839

(v) If a taxpayer directly or indirectly incurs a net 45840  
operating loss for the taxable year for federal income tax 45841  
purposes, to the extent such loss resulted from depreciation 45842  
expense allowed by subsection (k) of section 168 of the Internal 45843  
Revenue Code and by qualifying section 179 depreciation expense, 45844  
"the entire" shall be substituted for "five-sixths of the" for the 45845  
purpose of divisions (A)(17)(a)(i) and (ii) of this section. 45846

The tax commissioner, under procedures established by the 45847  
commissioner, may waive the add-backs related to a pass-through 45848  
entity if the taxpayer owns, directly or indirectly, less than 45849  
five per cent of the pass-through entity. 45850

(b) Nothing in division (A)(17) of this section shall be 45851  
construed to adjust or modify the adjusted basis of any asset. 45852

(c) To the extent the add-back required under division 45853  
(A)(17)(a) of this section is attributable to property generating 45854  
nonbusiness income or loss allocated under section 5747.20 of the 45855  
Revised Code, the add-back shall be situated to the same location 45856  
as the nonbusiness income or loss generated by the property for 45857

the purpose of determining the credit under division (A) of 45858  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 45859  
be apportioned, subject to one or more of the four alternative 45860  
methods of apportionment enumerated in section 5747.21 of the 45861  
Revised Code. 45862

(d) For the purposes of division (A)(17)(a)(v) of this 45863  
section, net operating loss carryback and carryforward shall not 45864  
include the allowance of any net operating loss deduction 45865  
carryback or carryforward to the taxable year to the extent such 45866  
loss resulted from depreciation allowed by section 168(k) of the 45867  
Internal Revenue Code and by the qualifying section 179 45868  
depreciation expense amount. 45869

(e) For the purposes of divisions (A)(17) and (18) of this 45870  
section: 45871

(i) "Income taxes withheld" means the total amount withheld 45872  
and remitted under sections 5747.06 and 5747.07 of the Revised 45873  
Code by an employer during the employer's taxable year. 45874

(ii) "Increase in income taxes withheld" means the amount by 45875  
which the amount of income taxes withheld by an employer during 45876  
the employer's current taxable year exceeds the amount of income 45877  
taxes withheld by that employer during the employer's immediately 45878  
preceding taxable year. 45879

(iii) "Qualifying section 179 depreciation expense" means the 45880  
difference between (I) the amount of depreciation expense directly 45881  
or indirectly allowed to a taxpayer under section 179 of the 45882  
Internal Revised Code, and (II) the amount of depreciation expense 45883  
directly or indirectly allowed to the taxpayer under section 179 45884  
of the Internal Revenue Code as that section existed on December 45885  
31, 2002. 45886

(18)(a) If the taxpayer was required to add an amount under 45887  
division (A)(17)(a) of this section for a taxable year, deduct one 45888

of the following: 45889

(i) One-fifth of the amount so added for each of the five 45890  
succeeding taxable years if the amount so added was five-sixths of 45891  
qualifying section 179 depreciation expense or depreciation 45892  
expense allowed by subsection (k) of section 168 of the Internal 45893  
Revenue Code; 45894

(ii) One-half of the amount so added for each of the two 45895  
succeeding taxable years if the amount so added was two-thirds of 45896  
such depreciation expense; 45897

(iii) One-sixth of the amount so added for each of the six 45898  
succeeding taxable years if the entire amount of such depreciation 45899  
expense was so added. 45900

(b) If the amount deducted under division (A)(18)(a) of this 45901  
section is attributable to an add-back allocated under division 45902  
(A)(17)(c) of this section, the amount deducted shall be situated 45903  
to the same location. Otherwise, the add-back shall be apportioned 45904  
using the apportionment factors for the taxable year in which the 45905  
deduction is taken, subject to one or more of the four alternative 45906  
methods of apportionment enumerated in section 5747.21 of the 45907  
Revised Code. 45908

(c) No deduction is available under division (A)(18)(a) of 45909  
this section with regard to any depreciation allowed by section 45910  
168(k) of the Internal Revenue Code and by the qualifying section 45911  
179 depreciation expense amount to the extent that such 45912  
depreciation results in or increases a federal net operating loss 45913  
carryback or carryforward. If no such deduction is available for a 45914  
taxable year, the taxpayer may carry forward the amount not 45915  
deducted in such taxable year to the next taxable year and add 45916  
that amount to any deduction otherwise available under division 45917  
(A)(18)(a) of this section for that next taxable year. The 45918  
carryforward of amounts not so deducted shall continue until the 45919

entire addition required by division (A)(17)(a) of this section 45920  
has been deducted. 45921

(19) Deduct, to the extent not otherwise deducted or excluded 45922  
in computing federal or Ohio adjusted gross income for the taxable 45923  
year, the amount the taxpayer received during the taxable year as 45924  
reimbursement for life insurance premiums under section 5919.31 of 45925  
the Revised Code. 45926

(20) Deduct, to the extent not otherwise deducted or excluded 45927  
in computing federal or Ohio adjusted gross income for the taxable 45928  
year, the amount the taxpayer received during the taxable year as 45929  
a death benefit paid by the adjutant general under section 5919.33 45930  
of the Revised Code. 45931

(21) Deduct, to the extent included in federal adjusted gross 45932  
income and not otherwise allowable as a deduction or exclusion in 45933  
computing federal or Ohio adjusted gross income for the taxable 45934  
year, military pay and allowances received by the taxpayer during 45935  
the taxable year for active duty service in the United States 45936  
army, air force, navy, marine corps, or coast guard or reserve 45937  
components thereof or the national guard. The deduction may not be 45938  
claimed for military pay and allowances received by the taxpayer 45939  
while the taxpayer is stationed in this state. 45940

(22) Deduct, to the extent not otherwise allowable as a 45941  
deduction or exclusion in computing federal or Ohio adjusted gross 45942  
income for the taxable year and not otherwise compensated for by 45943  
any other source, the amount of qualified organ donation expenses 45944  
incurred by the taxpayer during the taxable year, not to exceed 45945  
ten thousand dollars. A taxpayer may deduct qualified organ 45946  
donation expenses only once for all taxable years beginning with 45947  
taxable years beginning in 2007. 45948

For the purposes of division (A)(22) of this section: 45949

(a) "Human organ" means all or any portion of a human liver, 45950

pancreas, kidney, intestine, or lung, and any portion of human 45951  
bone marrow. 45952

(b) "Qualified organ donation expenses" means travel 45953  
expenses, lodging expenses, and wages and salary forgone by a 45954  
taxpayer in connection with the taxpayer's donation, while living, 45955  
of one or more of the taxpayer's human organs to another human 45956  
being. 45957

(23) Deduct, to the extent not otherwise deducted or excluded 45958  
in computing federal or Ohio adjusted gross income for the taxable 45959  
year, amounts received by the taxpayer as retired personnel pay 45960  
for service in the uniformed services or reserve components 45961  
thereof, or the national guard, or received by the surviving 45962  
spouse or former spouse of such a taxpayer under the survivor 45963  
benefit plan on account of such a taxpayer's death. If the 45964  
taxpayer receives income on account of retirement paid under the 45965  
federal civil service retirement system or federal employees 45966  
retirement system, or under any successor retirement program 45967  
enacted by the congress of the United States that is established 45968  
and maintained for retired employees of the United States 45969  
government, and such retirement income is based, in whole or in 45970  
part, on credit for the taxpayer's uniformed service, the 45971  
deduction allowed under this division shall include only that 45972  
portion of such retirement income that is attributable to the 45973  
taxpayer's uniformed service, to the extent that portion of such 45974  
retirement income is otherwise included in federal adjusted gross 45975  
income and is not otherwise deducted under this section. Any 45976  
amount deducted under division (A)(23) of this section is not 45977  
included in a taxpayer's adjusted gross income for the purposes of 45978  
section 5747.055 of the Revised Code. No amount may be deducted 45979  
under division (A)(23) of this section on the basis of which a 45980  
credit was claimed under section 5747.055 of the Revised Code. 45981

(24) Deduct, to the extent not otherwise deducted or excluded 45982

in computing federal or Ohio adjusted gross income for the taxable 45983  
year, the amount the taxpayer received during the taxable year 45984  
from the military injury relief fund created in section 5902.05 of 45985  
the Revised Code. 45986

(25) Deduct, to the extent not otherwise deducted or excluded 45987  
in computing federal or Ohio adjusted gross income for the taxable 45988  
year, the amount the taxpayer received as a veterans bonus during 45989  
the taxable year from the Ohio department of veterans services as 45990  
authorized by Section 2r of Article VIII, Ohio Constitution. 45991

(26) Deduct, to the extent not otherwise deducted or excluded 45992  
in computing federal or Ohio adjusted gross income for the taxable 45993  
year, any income derived from a transfer agreement or from the 45994  
enterprise transferred under that agreement under section 4313.02 45995  
of the Revised Code. 45996

(27) Deduct, to the extent not otherwise deducted or excluded 45997  
in computing federal or Ohio adjusted gross income for the taxable 45998  
year, Ohio college opportunity or federal Pell grant amounts 45999  
received by the taxpayer or the taxpayer's spouse or dependent 46000  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 46001  
1070a, et seq., and used to pay room or board furnished by the 46002  
educational institution for which the grant was awarded at the 46003  
institution's facilities, including meal plans administered by the 46004  
institution. For the purposes of this division, receipt of a grant 46005  
includes the distribution of a grant directly to an educational 46006  
institution and the crediting of the grant to the enrollee's 46007  
account with the institution. 46008

(28) Deduct from the portion of an individual's federal 46009  
adjusted gross income that is business income, to the extent not 46010  
otherwise deducted or excluded in computing federal adjusted gross 46011  
income for the taxable year, one hundred twenty-five thousand 46012  
dollars for each spouse if spouses file separate returns under 46013  
section 5747.08 of the Revised Code or two hundred fifty thousand 46014

dollars for all other individuals. 46015

(29) Deduct, as provided under section 5747.78 of the Revised Code, contributions to ABLE savings accounts made in accordance with sections 113.50 to 113.56 of the Revised Code. 46016  
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(30)(a) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, all of the following: 46019  
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(i) Compensation paid to a qualifying employee described in division (A)(14)(a) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the employee's employer; 46022  
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(ii) Compensation paid to a qualifying employee described in division (A)(14)(b) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state by the employee during the disaster response period on critical infrastructure owned or used by the employee's employer; 46027  
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(iii) Income received by an out-of-state disaster business for disaster work conducted in this state during a disaster response period, or, if the out-of-state disaster business is a pass-through entity, a taxpayer's distributive share of the pass-through entity's income from the business conducting disaster work in this state during a disaster response period, if, in either case, the disaster work is conducted pursuant to a qualifying solicitation received by the business. 46032  
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(b) All terms used in division (A)(30) of this section have the same meanings as in section 5703.94 of the Revised Code. 46040  
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(31) For a taxpayer who is a qualifying Ohio educator, deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the lesser of two hundred fifty dollars or the amount of 46042  
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expenses described in subsections (a)(2)(D)(i) and (ii) of section 46046  
62 of the Internal Revenue Code paid or incurred by the taxpayer 46047  
during the taxpayer's taxable year in excess of the amount the 46048  
taxpayer is authorized to deduct for that taxable year under 46049  
subsection (a)(2)(D) of that section. 46050

~~(34)~~(32) Deduct, to the extent not otherwise deducted or 46051  
excluded in computing federal or Ohio adjusted gross income for 46052  
the taxable year, amounts received by the taxpayer as a disability 46053  
severance payment, computed under 10 U.S.C. 1212, following 46054  
discharge or release under honorable conditions from the armed 46055  
forces, as defined by 10 U.S.C. 101. 46056

(33) Deduct, to the extent not otherwise deducted or excluded 46057  
in computing federal adjusted gross income or Ohio adjusted gross 46058  
income, amounts not subject to tax due to an agreement entered 46059  
into under division (A)(2) of section 5747.05 of the Revised Code. 46060

(B) "Business income" means income, including gain or loss, 46061  
arising from transactions, activities, and sources in the regular 46062  
course of a trade or business and includes income, gain, or loss 46063  
from real property, tangible property, and intangible property if 46064  
the acquisition, rental, management, and disposition of the 46065  
property constitute integral parts of the regular course of a 46066  
trade or business operation. "Business income" includes income, 46067  
including gain or loss, from a partial or complete liquidation of 46068  
a business, including, but not limited to, gain or loss from the 46069  
sale or other disposition of goodwill. 46070

(C) "Nonbusiness income" means all income other than business 46071  
income and may include, but is not limited to, compensation, rents 46072  
and royalties from real or tangible personal property, capital 46073  
gains, interest, dividends and distributions, patent or copyright 46074  
royalties, or lottery winnings, prizes, and awards. 46075

(D) "Compensation" means any form of remuneration paid to an 46076

employee for personal services. 46077

(E) "Fiduciary" means a guardian, trustee, executor, 46078  
administrator, receiver, conservator, or any other person acting 46079  
in any fiduciary capacity for any individual, trust, or estate. 46080

(F) "Fiscal year" means an accounting period of twelve months 46081  
ending on the last day of any month other than December. 46082

(G) "Individual" means any natural person. 46083

(H) "Internal Revenue Code" means the "Internal Revenue Code 46084  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 46085

(I) "Resident" means any of the following: 46086

(1) An individual who is domiciled in this state, subject to 46087  
section 5747.24 of the Revised Code; 46088

(2) The estate of a decedent who at the time of death was 46089  
domiciled in this state. The domicile tests of section 5747.24 of 46090  
the Revised Code are not controlling for purposes of division 46091  
(I)(2) of this section. 46092

(3) A trust that, in whole or part, resides in this state. If 46093  
only part of a trust resides in this state, the trust is a 46094  
resident only with respect to that part. 46095

For the purposes of division (I)(3) of this section: 46096

(a) A trust resides in this state for the trust's current 46097  
taxable year to the extent, as described in division (I)(3)(d) of 46098  
this section, that the trust consists directly or indirectly, in 46099  
whole or in part, of assets, net of any related liabilities, that 46100  
were transferred, or caused to be transferred, directly or 46101  
indirectly, to the trust by any of the following: 46102

(i) A person, a court, or a governmental entity or 46103  
instrumentality on account of the death of a decedent, but only if 46104  
the trust is described in division (I)(3)(e)(i) or (ii) of this 46105  
section; 46106

(ii) A person who was domiciled in this state for the 46107  
purposes of this chapter when the person directly or indirectly 46108  
transferred assets to an irrevocable trust, but only if at least 46109  
one of the trust's qualifying beneficiaries is domiciled in this 46110  
state for the purposes of this chapter during all or some portion 46111  
of the trust's current taxable year; 46112

(iii) A person who was domiciled in this state for the 46113  
purposes of this chapter when the trust document or instrument or 46114  
part of the trust document or instrument became irrevocable, but 46115  
only if at least one of the trust's qualifying beneficiaries is a 46116  
resident domiciled in this state for the purposes of this chapter 46117  
during all or some portion of the trust's current taxable year. If 46118  
a trust document or instrument became irrevocable upon the death 46119  
of a person who at the time of death was domiciled in this state 46120  
for purposes of this chapter, that person is a person described in 46121  
division (I)(3)(a)(iii) of this section. 46122

(b) A trust is irrevocable to the extent that the transferor 46123  
is not considered to be the owner of the net assets of the trust 46124  
under sections 671 to 678 of the Internal Revenue Code. 46125

(c) With respect to a trust other than a charitable lead 46126  
trust, "qualifying beneficiary" has the same meaning as "potential 46127  
current beneficiary" as defined in section 1361(e)(2) of the 46128  
Internal Revenue Code, and with respect to a charitable lead trust 46129  
"qualifying beneficiary" is any current, future, or contingent 46130  
beneficiary, but with respect to any trust "qualifying 46131  
beneficiary" excludes a person or a governmental entity or 46132  
instrumentality to any of which a contribution would qualify for 46133  
the charitable deduction under section 170 of the Internal Revenue 46134  
Code. 46135

(d) For the purposes of division (I)(3)(a) of this section, 46136  
the extent to which a trust consists directly or indirectly, in 46137  
whole or in part, of assets, net of any related liabilities, that 46138

were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows:

(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of

that testamentary trust was domiciled in this state at the time of 46170  
the testator's death for purposes of the taxes levied under 46171  
Chapter 5731. of the Revised Code. 46172

(ii) A trust is described in division (I)(3)(e)(ii) of this 46173  
section if the transfer is a qualifying transfer described in any 46174  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 46175  
irrevocable inter vivos trust, and at least one of the trust's 46176  
qualifying beneficiaries is domiciled in this state for purposes 46177  
of this chapter during all or some portion of the trust's current 46178  
taxable year. 46179

(f) For the purposes of division (I)(3)(e)(ii) of this 46180  
section, a "qualifying transfer" is a transfer of assets, net of 46181  
any related liabilities, directly or indirectly to a trust, if the 46182  
transfer is described in any of the following: 46183

(i) The transfer is made to a trust, created by the decedent 46184  
before the decedent's death and while the decedent was domiciled 46185  
in this state for the purposes of this chapter, and, prior to the 46186  
death of the decedent, the trust became irrevocable while the 46187  
decedent was domiciled in this state for the purposes of this 46188  
chapter. 46189

(ii) The transfer is made to a trust to which the decedent, 46190  
prior to the decedent's death, had directly or indirectly 46191  
transferred assets, net of any related liabilities, while the 46192  
decedent was domiciled in this state for the purposes of this 46193  
chapter, and prior to the death of the decedent the trust became 46194  
irrevocable while the decedent was domiciled in this state for the 46195  
purposes of this chapter. 46196

(iii) The transfer is made on account of a contractual 46197  
relationship existing directly or indirectly between the 46198  
transferor and either the decedent or the estate of the decedent 46199  
at any time prior to the date of the decedent's death, and the 46200

decedent was domiciled in this state at the time of death for 46201  
purposes of the taxes levied under Chapter 5731. of the Revised 46202  
Code. 46203

(iv) The transfer is made to a trust on account of a 46204  
contractual relationship existing directly or indirectly between 46205  
the transferor and another person who at the time of the 46206  
decedent's death was domiciled in this state for purposes of this 46207  
chapter. 46208

(v) The transfer is made to a trust on account of the will of 46209  
a testator who was domiciled in this state at the time of the 46210  
testator's death for purposes of the taxes levied under Chapter 46211  
5731. of the Revised Code. 46212

(vi) The transfer is made to a trust created by or caused to 46213  
be created by a court, and the trust was directly or indirectly 46214  
created in connection with or as a result of the death of an 46215  
individual who, for purposes of the taxes levied under Chapter 46216  
5731. of the Revised Code, was domiciled in this state at the time 46217  
of the individual's death. 46218

(g) The tax commissioner may adopt rules to ascertain the 46219  
part of a trust residing in this state. 46220

(J) "Nonresident" means an individual or estate that is not a 46221  
resident. An individual who is a resident for only part of a 46222  
taxable year is a nonresident for the remainder of that taxable 46223  
year. 46224

(K) "Pass-through entity" has the same meaning as in section 46225  
5733.04 of the Revised Code. 46226

(L) "Return" means the notifications and reports required to 46227  
be filed pursuant to this chapter for the purpose of reporting the 46228  
tax due and includes declarations of estimated tax when so 46229  
required. 46230

(M) "Taxable year" means the calendar year or the taxpayer's 46231  
fiscal year ending during the calendar year, or fractional part 46232  
thereof, upon which the adjusted gross income is calculated 46233  
pursuant to this chapter. 46234

(N) "Taxpayer" means any person subject to the tax imposed by 46235  
section 5747.02 of the Revised Code or any pass-through entity 46236  
that makes the election under division (D) of section 5747.08 of 46237  
the Revised Code. 46238

(O) "Dependents" means one of the following: 46239

(1) For taxable years beginning on or after January 1, 2018, 46240  
and before January 1, 2026, dependents as defined in the Internal 46241  
Revenue Code; 46242

(2) For all other taxable years, dependents as defined in the 46243  
Internal Revenue Code and as claimed in the taxpayer's federal 46244  
income tax return for the taxable year or which the taxpayer would 46245  
have been permitted to claim had the taxpayer filed a federal 46246  
income tax return. 46247

(P) "Principal county of employment" means, in the case of a 46248  
nonresident, the county within the state in which a taxpayer 46249  
performs services for an employer or, if those services are 46250  
performed in more than one county, the county in which the major 46251  
portion of the services are performed. 46252

(Q) As used in sections 5747.50 to 5747.55 of the Revised 46253  
Code: 46254

(1) "Subdivision" means any county, municipal corporation, 46255  
park district, or township. 46256

(2) "Essential local government purposes" includes all 46257  
functions that any subdivision is required by general law to 46258  
exercise, including like functions that are exercised under a 46259  
charter adopted pursuant to the Ohio Constitution. 46260

(R) "Overpayment" means any amount already paid that exceeds 46261  
the figure determined to be the correct amount of the tax. 46262

(S) "Taxable income" or "Ohio taxable income" applies only to 46263  
estates and trusts, and means federal taxable income, as defined 46264  
and used in the Internal Revenue Code, adjusted as follows: 46265

(1) Add interest or dividends, net of ordinary, necessary, 46266  
and reasonable expenses not deducted in computing federal taxable 46267  
income, on obligations or securities of any state or of any 46268  
political subdivision or authority of any state, other than this 46269  
state and its subdivisions and authorities, but only to the extent 46270  
that such net amount is not otherwise includible in Ohio taxable 46271  
income and is described in either division (S)(1)(a) or (b) of 46272  
this section: 46273

(a) The net amount is not attributable to the S portion of an 46274  
electing small business trust and has not been distributed to 46275  
beneficiaries for the taxable year; 46276

(b) The net amount is attributable to the S portion of an 46277  
electing small business trust for the taxable year. 46278

(2) Add interest or dividends, net of ordinary, necessary, 46279  
and reasonable expenses not deducted in computing federal taxable 46280  
income, on obligations of any authority, commission, 46281  
instrumentality, territory, or possession of the United States to 46282  
the extent that the interest or dividends are exempt from federal 46283  
income taxes but not from state income taxes, but only to the 46284  
extent that such net amount is not otherwise includible in Ohio 46285  
taxable income and is described in either division (S)(1)(a) or 46286  
(b) of this section; 46287

(3) Add the amount of personal exemption allowed to the 46288  
estate pursuant to section 642(b) of the Internal Revenue Code; 46289

(4) Deduct interest or dividends, net of related expenses 46290  
deducted in computing federal taxable income, on obligations of 46291

the United States and its territories and possessions or of any 46292  
authority, commission, or instrumentality of the United States to 46293  
the extent that the interest or dividends are exempt from state 46294  
taxes under the laws of the United States, but only to the extent 46295  
that such amount is included in federal taxable income and is 46296  
described in either division (S)(1)(a) or (b) of this section; 46297

(5) Deduct the amount of wages and salaries, if any, not 46298  
otherwise allowable as a deduction but that would have been 46299  
allowable as a deduction in computing federal taxable income for 46300  
the taxable year, had the ~~targeted jobs~~ work opportunity tax 46301  
credit allowed under sections 38, 51, and 52 of the Internal 46302  
Revenue Code not been in effect, but only to the extent such 46303  
amount relates either to income included in federal taxable income 46304  
for the taxable year or to income of the S portion of an electing 46305  
small business trust for the taxable year; 46306

(6) Deduct any interest or interest equivalent, net of 46307  
related expenses deducted in computing federal taxable income, on 46308  
public obligations and purchase obligations, but only to the 46309  
extent that such net amount relates either to income included in 46310  
federal taxable income for the taxable year or to income of the S 46311  
portion of an electing small business trust for the taxable year; 46312

(7) Add any loss or deduct any gain resulting from sale, 46313  
exchange, or other disposition of public obligations to the extent 46314  
that such loss has been deducted or such gain has been included in 46315  
computing either federal taxable income or income of the S portion 46316  
of an electing small business trust for the taxable year; 46317

(8) Except in the case of the final return of an estate, add 46318  
any amount deducted by the taxpayer on both its Ohio estate tax 46319  
return pursuant to section 5731.14 of the Revised Code, and on its 46320  
federal income tax return in determining federal taxable income; 46321

(9)(a) Deduct any amount included in federal taxable income 46322

solely because the amount represents a reimbursement or refund of 46323  
expenses that in a previous year the decedent had deducted as an 46324  
itemized deduction pursuant to section 63 of the Internal Revenue 46325  
Code and applicable treasury regulations. The deduction otherwise 46326  
allowed under division (S)(9)(a) of this section shall be reduced 46327  
to the extent the reimbursement is attributable to an amount the 46328  
taxpayer or decedent deducted under this section in any taxable 46329  
year. 46330

(b) Add any amount not otherwise included in Ohio taxable 46331  
income for any taxable year to the extent that the amount is 46332  
attributable to the recovery during the taxable year of any amount 46333  
deducted or excluded in computing federal or Ohio taxable income 46334  
in any taxable year, but only to the extent such amount has not 46335  
been distributed to beneficiaries for the taxable year. 46336

(10) Deduct any portion of the deduction described in section 46337  
1341(a)(2) of the Internal Revenue Code, for repaying previously 46338  
reported income received under a claim of right, that meets both 46339  
of the following requirements: 46340

(a) It is allowable for repayment of an item that was 46341  
included in the taxpayer's taxable income or the decedent's 46342  
adjusted gross income for a prior taxable year and did not qualify 46343  
for a credit under division (A) or (B) of section 5747.05 of the 46344  
Revised Code for that year. 46345

(b) It does not otherwise reduce the taxpayer's taxable 46346  
income or the decedent's adjusted gross income for the current or 46347  
any other taxable year. 46348

(11) Add any amount claimed as a credit under section 46349  
5747.059 of the Revised Code to the extent that the amount 46350  
satisfies either of the following: 46351

(a) The amount was deducted or excluded from the computation 46352  
of the taxpayer's federal taxable income as required to be 46353

reported for the taxpayer's taxable year under the Internal Revenue Code; 46354  
46355

(b) The amount resulted in a reduction in the taxpayer's federal taxable income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code. 46356  
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(12) Deduct any amount, net of related expenses deducted in computing federal taxable income, that a trust is required to report as farm income on its federal income tax return, but only if the assets of the trust include at least ten acres of land satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income. 46359  
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Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. 46371  
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(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income. 46375  
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(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(17) or (18) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. 46378  
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(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code. 46383  
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(U) As used in divisions (A)(7), (A)(8), (S)(6), and (S)(7) 46385  
of this section, "public obligations," "purchase obligations," and 46386  
"interest or interest equivalent" have the same meanings as in 46387  
section 5709.76 of the Revised Code. 46388

(V) "Limited liability company" means any limited liability 46389  
company formed under Chapter 1705. or 1706. of the Revised Code or 46390  
under the laws of any other state. 46391

(W) "Pass-through entity investor" means any person who, 46392  
during any portion of a taxable year of a pass-through entity, is 46393  
a partner, member, shareholder, or equity investor in that 46394  
pass-through entity. 46395

(X) "Banking day" has the same meaning as in section 1304.01 46396  
of the Revised Code. 46397

(Y) "Month" means a calendar month. 46398

(Z) "Quarter" means the first three months, the second three 46399  
months, the third three months, or the last three months of the 46400  
taxpayer's taxable year. 46401

(AA)(1) "Modified business income" means the business income 46402  
included in a trust's Ohio taxable income after such taxable 46403  
income is first reduced by the qualifying trust amount, if any. 46404

(2) "Qualifying trust amount" of a trust means capital gains 46405  
and losses from the sale, exchange, or other disposition of equity 46406  
or ownership interests in, or debt obligations of, a qualifying 46407  
investee to the extent included in the trust's Ohio taxable 46408  
income, but only if the following requirements are satisfied: 46409

(a) The book value of the qualifying investee's physical 46410  
assets in this state and everywhere, as of the last day of the 46411  
qualifying investee's fiscal or calendar year ending immediately 46412  
prior to the date on which the trust recognizes the gain or loss, 46413  
is available to the trust. 46414

(b) The requirements of section 5747.011 of the Revised Code 46415  
are satisfied for the trust's taxable year in which the trust 46416  
recognizes the gain or loss. 46417

Any gain or loss that is not a qualifying trust amount is 46418  
modified business income, qualifying investment income, or 46419  
modified nonbusiness income, as the case may be. 46420

(3) "Modified nonbusiness income" means a trust's Ohio 46421  
taxable income other than modified business income, other than the 46422  
qualifying trust amount, and other than qualifying investment 46423  
income, as defined in section 5747.012 of the Revised Code, to the 46424  
extent such qualifying investment income is not otherwise part of 46425  
modified business income. 46426

(4) "Modified Ohio taxable income" applies only to trusts, 46427  
and means the sum of the amounts described in divisions (AA)(4)(a) 46428  
to (c) of this section: 46429

(a) The fraction, calculated under section 5747.013, and 46430  
applying section 5747.231 of the Revised Code, multiplied by the 46431  
sum of the following amounts: 46432

(i) The trust's modified business income; 46433

(ii) The trust's qualifying investment income, as defined in 46434  
section 5747.012 of the Revised Code, but only to the extent the 46435  
qualifying investment income does not otherwise constitute 46436  
modified business income and does not otherwise constitute a 46437  
qualifying trust amount. 46438

(b) The qualifying trust amount multiplied by a fraction, the 46439  
numerator of which is the sum of the book value of the qualifying 46440  
investee's physical assets in this state on the last day of the 46441  
qualifying investee's fiscal or calendar year ending immediately 46442  
prior to the day on which the trust recognizes the qualifying 46443  
trust amount, and the denominator of which is the sum of the book 46444  
value of the qualifying investee's total physical assets 46445

everywhere on the last day of the qualifying investee's fiscal or 46446  
calendar year ending immediately prior to the day on which the 46447  
trust recognizes the qualifying trust amount. If, for a taxable 46448  
year, the trust recognizes a qualifying trust amount with respect 46449  
to more than one qualifying investee, the amount described in 46450  
division (AA)(4)(b) of this section shall equal the sum of the 46451  
products so computed for each such qualifying investee. 46452

(c)(i) With respect to a trust or portion of a trust that is 46453  
a resident as ascertained in accordance with division (I)(3)(d) of 46454  
this section, its modified nonbusiness income. 46455

(ii) With respect to a trust or portion of a trust that is 46456  
not a resident as ascertained in accordance with division 46457  
(I)(3)(d) of this section, the amount of its modified nonbusiness 46458  
income satisfying the descriptions in divisions (B)(2) to (5) of 46459  
section 5747.20 of the Revised Code, except as otherwise provided 46460  
in division (AA)(4)(c)(ii) of this section. With respect to a 46461  
trust or portion of a trust that is not a resident as ascertained 46462  
in accordance with division (I)(3)(d) of this section, the trust's 46463  
portion of modified nonbusiness income recognized from the sale, 46464  
exchange, or other disposition of a debt interest in or equity 46465  
interest in a section 5747.212 entity, as defined in section 46466  
5747.212 of the Revised Code, without regard to division (A) of 46467  
that section, shall not be allocated to this state in accordance 46468  
with section 5747.20 of the Revised Code but shall be apportioned 46469  
to this state in accordance with division (B) of section 5747.212 46470  
of the Revised Code without regard to division (A) of that 46471  
section. 46472

If the allocation and apportionment of a trust's income under 46473  
divisions (AA)(4)(a) and (c) of this section do not fairly 46474  
represent the modified Ohio taxable income of the trust in this 46475  
state, the alternative methods described in division (C) of 46476  
section 5747.21 of the Revised Code may be applied in the manner 46477

and to the same extent provided in that section. 46478

(5)(a) Except as set forth in division (AA)(5)(b) of this 46479  
section, "qualifying investee" means a person in which a trust has 46480  
an equity or ownership interest, or a person or unit of government 46481  
the debt obligations of either of which are owned by a trust. For 46482  
the purposes of division (AA)(2)(a) of this section and for the 46483  
purpose of computing the fraction described in division (AA)(4)(b) 46484  
of this section, all of the following apply: 46485

(i) If the qualifying investee is a member of a qualifying 46486  
controlled group on the last day of the qualifying investee's 46487  
fiscal or calendar year ending immediately prior to the date on 46488  
which the trust recognizes the gain or loss, then "qualifying 46489  
investee" includes all persons in the qualifying controlled group 46490  
on such last day. 46491

(ii) If the qualifying investee, or if the qualifying 46492  
investee and any members of the qualifying controlled group of 46493  
which the qualifying investee is a member on the last day of the 46494  
qualifying investee's fiscal or calendar year ending immediately 46495  
prior to the date on which the trust recognizes the gain or loss, 46496  
separately or cumulatively own, directly or indirectly, on the 46497  
last day of the qualifying investee's fiscal or calendar year 46498  
ending immediately prior to the date on which the trust recognizes 46499  
the qualifying trust amount, more than fifty per cent of the 46500  
equity of a pass-through entity, then the qualifying investee and 46501  
the other members are deemed to own the proportionate share of the 46502  
pass-through entity's physical assets which the pass-through 46503  
entity directly or indirectly owns on the last day of the 46504  
pass-through entity's calendar or fiscal year ending within or 46505  
with the last day of the qualifying investee's fiscal or calendar 46506  
year ending immediately prior to the date on which the trust 46507  
recognizes the qualifying trust amount. 46508

(iii) For the purposes of division (AA)(5)(a)(iii) of this 46509

section, "upper level pass-through entity" means a pass-through 46510  
entity directly or indirectly owning any equity of another 46511  
pass-through entity, and "lower level pass-through entity" means 46512  
that other pass-through entity. 46513

An upper level pass-through entity, whether or not it is also 46514  
a qualifying investee, is deemed to own, on the last day of the 46515  
upper level pass-through entity's calendar or fiscal year, the 46516  
proportionate share of the lower level pass-through entity's 46517  
physical assets that the lower level pass-through entity directly 46518  
or indirectly owns on the last day of the lower level pass-through 46519  
entity's calendar or fiscal year ending within or with the last 46520  
day of the upper level pass-through entity's fiscal or calendar 46521  
year. If the upper level pass-through entity directly and 46522  
indirectly owns less than fifty per cent of the equity of the 46523  
lower level pass-through entity on each day of the upper level 46524  
pass-through entity's calendar or fiscal year in which or with 46525  
which ends the calendar or fiscal year of the lower level 46526  
pass-through entity and if, based upon clear and convincing 46527  
evidence, complete information about the location and cost of the 46528  
physical assets of the lower pass-through entity is not available 46529  
to the upper level pass-through entity, then solely for purposes 46530  
of ascertaining if a gain or loss constitutes a qualifying trust 46531  
amount, the upper level pass-through entity shall be deemed as 46532  
owning no equity of the lower level pass-through entity for each 46533  
day during the upper level pass-through entity's calendar or 46534  
fiscal year in which or with which ends the lower level 46535  
pass-through entity's calendar or fiscal year. Nothing in division 46536  
(AA)(5)(a)(iii) of this section shall be construed to provide for 46537  
any deduction or exclusion in computing any trust's Ohio taxable 46538  
income. 46539

(b) With respect to a trust that is not a resident for the 46540  
taxable year and with respect to a part of a trust that is not a 46541

resident for the taxable year, "qualifying investee" for that 46542  
taxable year does not include a C corporation if both of the 46543  
following apply: 46544

(i) During the taxable year the trust or part of the trust 46545  
recognizes a gain or loss from the sale, exchange, or other 46546  
disposition of equity or ownership interests in, or debt 46547  
obligations of, the C corporation. 46548

(ii) Such gain or loss constitutes nonbusiness income. 46549

(6) "Available" means information is such that a person is 46550  
able to learn of the information by the due date plus extensions, 46551  
if any, for filing the return for the taxable year in which the 46552  
trust recognizes the gain or loss. 46553

(BB) "Qualifying controlled group" has the same meaning as in 46554  
section 5733.04 of the Revised Code. 46555

(CC) "Related member" has the same meaning as in section 46556  
5733.042 of the Revised Code. 46557

(DD)(1) For the purposes of division (DD) of this section: 46558

(a) "Qualifying person" means any person other than a 46559  
qualifying corporation. 46560

(b) "Qualifying corporation" means any person classified for 46561  
federal income tax purposes as an association taxable as a 46562  
corporation, except either of the following: 46563

(i) A corporation that has made an election under subchapter 46564  
S, chapter one, subtitle A, of the Internal Revenue Code for its 46565  
taxable year ending within, or on the last day of, the investor's 46566  
taxable year; 46567

(ii) A subsidiary that is wholly owned by any corporation 46568  
that has made an election under subchapter S, chapter one, 46569  
subtitle A of the Internal Revenue Code for its taxable year 46570  
ending within, or on the last day of, the investor's taxable year. 46571

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(EE) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (EE)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

(FF) "Uniformed services" has the same meaning as in 10

U.S.C. 101. 46602

(GG) "Taxable business income" means the amount by which an 46603  
individual's business income that is included in federal adjusted 46604  
gross income exceeds the amount of business income the individual 46605  
is authorized to deduct under division ~~(A)(31)~~ (A)(28) of this 46606  
section for the taxable year. 46607

(HH) "Employer" does not include a franchisor with respect to 46608  
the franchisor's relationship with a franchisee or an employee of 46609  
a franchisee, unless the franchisor agrees to assume that role in 46610  
writing or a court of competent jurisdiction determines that the 46611  
franchisor exercises a type or degree of control over the 46612  
franchisee or the franchisee's employees that is not customarily 46613  
exercised by a franchisor for the purpose of protecting the 46614  
franchisor's trademark, brand, or both. For purposes of this 46615  
division, "franchisor" and "franchisee" have the same meanings as 46616  
in 16 C.F.R. 436.1. 46617

(II) "Modified adjusted gross income" means Ohio adjusted 46618  
gross income plus any amount deducted under division (A)(28) of 46619  
this section for the taxable year. 46620

(JJ) "Qualifying Ohio educator" means an individual who, for 46621  
a taxable year, qualifies as an eligible educator, as that term is 46622  
defined in section 62 of the Internal Revenue Code, and who holds 46623  
a certificate, license, or permit described in Chapter 3319. or 46624  
section 3301.071 of the Revised Code. 46625

**Sec. 5747.05.** As used in this section, "income tax" includes 46626  
both a tax on net income and a tax measured by net income. 46627

The following credits shall be allowed against the aggregate 46628  
income tax liability imposed by section 5747.02 of the Revised 46629  
Code on individuals and estates: 46630

(A)(1) The amount of tax otherwise due under section 5747.02 46631

of the Revised Code on such portion of the combined adjusted gross 46632  
income and business income of any nonresident taxpayer that is not 46633  
allocable or apportionable to this state pursuant to sections 46634  
5747.20 to 5747.23 of the Revised Code. The credit provided under 46635  
this division shall not exceed the total tax due under section 46636  
5747.02 of the Revised Code. 46637

(2) The tax commissioner may enter into an agreement with the 46638  
taxing authorities of any state or of the District of Columbia 46639  
that imposes an income tax to provide that compensation paid in 46640  
this state to a nonresident taxpayer shall not be subject to the 46641  
tax levied in section 5747.02 of the Revised Code so long as 46642  
compensation paid in such other state or in the District of 46643  
Columbia to a resident taxpayer shall likewise not be subject to 46644  
the income tax of such other state or of the District of Columbia. 46645

(B) The lesser of division (B)(1) or (2) of this section: 46646

(1) The aggregate amount of tax otherwise due under section 46647  
5747.02 of the Revised Code on such portion of the combined 46648  
adjusted gross income and business income of a resident taxpayer 46649  
that in another state or in the District of Columbia is subjected 46650  
to an income tax. The credit provided under division (B)(1) of 46651  
this section shall not exceed the total tax due under section 46652  
5747.02 of the Revised Code. 46653

(2) The amount of income tax liability to another state or 46654  
the District of Columbia on the portion of the combined adjusted 46655  
gross income and business income of a resident taxpayer that in 46656  
another state or in the District of Columbia is subjected to an 46657  
income tax. The credit provided under division (B)(2) of this 46658  
section shall not exceed the total amount of tax otherwise due 46659  
under section 5747.02 of the Revised Code. 46660

(3) If the credit provided under division (B) of this section 46661  
is affected by a change in either the portion of the combined 46662

adjusted gross income and business income of a resident taxpayer 46663  
subjected to an income tax in another state or the District of 46664  
Columbia or the amount of income tax liability that has been paid 46665  
to another state or the District of Columbia, the taxpayer shall 46666  
report the change to the tax commissioner within ~~sixty~~ ninety days 46667  
of the change in such form as the commissioner requires. 46668

(a) In the case of an underpayment, the report shall be 46669  
accompanied by payment of any additional tax due as a result of 46670  
the reduction in credit together with interest on the additional 46671  
tax and is a return subject to assessment under section 5747.13 of 46672  
the Revised Code solely for the purpose of assessing any 46673  
additional tax due under this division, together with any 46674  
applicable penalty and interest. It shall not reopen the 46675  
computation of the taxpayer's tax liability under this chapter 46676  
from a previously filed return no longer subject to assessment 46677  
except to the extent that such liability is affected by an 46678  
adjustment to the credit allowed by division (B) of this section. 46679

(b) In the case of an overpayment, an application for refund 46680  
may be filed under this division within the ~~sixty-day~~ ninety-day 46681  
period prescribed for filing the report even if it is beyond the 46682  
period prescribed in section 5747.11 of the Revised Code if it 46683  
otherwise conforms to the requirements of such section. An 46684  
application filed under this division shall only claim refund of 46685  
overpayments resulting from an adjustment to the credit allowed by 46686  
division (B) of this section unless it is also filed within the 46687  
time prescribed in section 5747.11 of the Revised Code. It shall 46688  
not reopen the computation of the taxpayer's tax liability except 46689  
to the extent that such liability is affected by an adjustment to 46690  
the credit allowed by division (B) of this section. 46691

(4) No credit shall be allowed under division (B) of this 46692  
section: 46693

(a) For income tax paid or accrued to another state or to the 46694

District of Columbia if the taxpayer, when computing federal 46695  
adjusted gross income, has directly or indirectly deducted, or was 46696  
required to directly or indirectly deduct, the amount of that 46697  
income tax; 46698

(b) For compensation that is not subject to the income tax of 46699  
another state or the District of Columbia as the result of an 46700  
agreement entered into by the tax commissioner under division 46701  
(A)(3) of this section; or 46702

(c) For income tax paid or accrued to another state or the 46703  
District of Columbia if the taxpayer fails to furnish such proof 46704  
as the tax commissioner shall require that such income tax 46705  
liability has been paid. 46706

(C) An individual who is a resident for part of a taxable 46707  
year and a nonresident for the remainder of the taxable year is 46708  
allowed the credits under divisions (A) and (B) of this section in 46709  
accordance with rules prescribed by the tax commissioner. In no 46710  
event shall the same income be subject to both credits. 46711

(D) The credit allowed under division (A) of this section 46712  
shall be calculated based upon the amount of tax due under section 46713  
5747.02 of the Revised Code after subtracting any other credits 46714  
that precede the credit under that division in the order required 46715  
under section 5747.98 of the Revised Code. The credit allowed 46716  
under division (B) of this section shall be calculated based upon 46717  
the amount of tax due under section 5747.02 of the Revised Code 46718  
after subtracting any other credits that precede the credit under 46719  
that division in the order required under section 5747.98 of the 46720  
Revised Code. 46721

(E)(1) On a joint return filed by a husband and wife, each of 46722  
whom had adjusted gross income of at least five hundred dollars, 46723  
exclusive of interest, dividends and distributions, royalties, 46724  
rent, and capital gains, a credit equal to the lesser of six 46725

hundred fifty dollars or the percentage shown in column B that 46726  
corresponds with the taxpayer's modified adjusted gross income, 46727  
less exemptions for the taxable year, of the total amount of tax 46728  
due after allowing for any other credit that precedes this credit 46729  
as required under section 5747.98 of the Revised Code: 46730

A.	B.	
IF THE MODIFIED ADJUSTED GROSS	THE CREDIT FOR THE TAXABLE	46732
INCOME, LESS EXEMPTIONS, FOR THE	YEAR IS:	
TAX YEAR IS:		
\$25,000 or less	20%	46733
More than \$25,000 but not more	15%	46734
than \$50,000		
More than \$50,000 but not more	10%	46735
than \$75,000		
More than \$75,000	5%	46736

(2) The credit shall be claimed in the order required under 46737  
section 5747.98 of the Revised Code. 46738

(F) No claim for credit under this section shall be allowed 46739  
unless the claimant furnishes such supporting information as the 46740  
tax commissioner prescribes by rules. 46741

**Sec. 5747.08.** An annual return with respect to the tax 46742  
imposed by section 5747.02 of the Revised Code and each tax 46743  
imposed under Chapter 5748. of the Revised Code shall be made by 46744  
every taxpayer for any taxable year for which the taxpayer is 46745  
liable for the tax imposed by that section or under that chapter, 46746  
unless the total credits allowed under division (E) of section 46747  
5747.05 and divisions (F) and (G) of section 5747.055 of the 46748  
Revised Code for the year are equal to or exceed the tax imposed 46749  
by section 5747.02 of the Revised Code, in which case no return 46750  
shall be required unless the taxpayer is liable for a tax imposed 46751  
pursuant to Chapter 5748. of the Revised Code. 46752

(A) If an individual is deceased, any return or notice 46753  
required of that individual under this chapter shall be made and 46754  
filed by that decedent's executor, administrator, or other person 46755  
charged with the property of that decedent. 46756

(B) If an individual is unable to make a return or notice 46757  
required by this chapter, the return or notice required of that 46758  
individual shall be made and filed by the individual's duly 46759  
authorized agent, guardian, conservator, fiduciary, or other 46760  
person charged with the care of the person or property of that 46761  
individual. 46762

(C) Returns or notices required of an estate or a trust shall 46763  
be made and filed by the fiduciary of the estate or trust. 46764

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 46765  
of this section, any pass-through entity may file a single return 46766  
on behalf of one or more of the entity's investors other than an 46767  
investor that is a person subject to the tax imposed under section 46768  
5733.06 of the Revised Code. The single return shall set forth the 46769  
name, address, and social security number or other identifying 46770  
number of each of those pass-through entity investors and shall 46771  
indicate the distributive share of each of those pass-through 46772  
entity investor's income taxable in this state in accordance with 46773  
sections 5747.20 to 5747.231 of the Revised Code. Such 46774  
pass-through entity investors for whom the pass-through entity 46775  
elects to file a single return are not entitled to the exemption 46776  
or credit provided for by sections 5747.02 and 5747.022 of the 46777  
Revised Code; shall calculate the tax before business credits at 46778  
the highest rate of tax set forth in section 5747.02 of the 46779  
Revised Code for the taxable year for which the return is filed; 46780  
and are entitled to only their distributive share of the business 46781  
credits as defined in division (D)(2) of this section. A single 46782  
check drawn by the pass-through entity shall accompany the return 46783  
in full payment of the tax due, as shown on the single return, for 46784

such investors, other than investors who are persons subject to 46785  
the tax imposed under section 5733.06 of the Revised Code. 46786

(b)(i) A pass-through entity shall not include in such a 46787  
single return any investor that is a trust to the extent that any 46788  
direct or indirect current, future, or contingent beneficiary of 46789  
the trust is a person subject to the tax imposed under section 46790  
5733.06 of the Revised Code. 46791

(ii) A pass-through entity shall not include in such a single 46792  
return any investor that is itself a pass-through entity to the 46793  
extent that any direct or indirect investor in the second 46794  
pass-through entity is a person subject to the tax imposed under 46795  
section 5733.06 of the Revised Code. 46796

(c) Nothing in division (D) of this section precludes the tax 46797  
commissioner from requiring such investors to file the return and 46798  
make the payment of taxes and related interest, penalty, and 46799  
interest penalty required by this section or section 5747.02, 46800  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 46801  
of this section precludes such an investor from filing the annual 46802  
return under this section, utilizing the refundable credit equal 46803  
to the investor's proportionate share of the tax paid by the 46804  
pass-through entity on behalf of the investor under division (I) 46805  
of this section, and making the payment of taxes imposed under 46806  
section 5747.02 of the Revised Code. Nothing in division (D) of 46807  
this section shall be construed to provide to such an investor or 46808  
pass-through entity any additional deduction or credit, other than 46809  
the credit provided by division (I) of this section, solely on 46810  
account of the entity's filing a return in accordance with this 46811  
section. Such a pass-through entity also shall make the filing and 46812  
payment of estimated taxes on behalf of the pass-through entity 46813  
investors other than an investor that is a person subject to the 46814  
tax imposed under section 5733.06 of the Revised Code. 46815

(2) For the purposes of this section, "business credits" 46816

means the credits listed in section 5747.98 of the Revised Code	46817
excluding the following credits:	46818
(a) The retirement income credit under division (B) of section 5747.055 of the Revised Code;	46819 46820
(b) The senior citizen credit under division (F) of section 5747.055 of the Revised Code;	46821 46822
(c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;	46823 46824
(d) The dependent care credit under section 5747.054 of the Revised Code;	46825 46826
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	46827 46828
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	46829 46830
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	46831 46832
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	46833 46834
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	46835 46836
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	46837 46838
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	46839 46840
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	46841 46842
(m) The earned income tax credit under section 5747.71 of the Revised Code;	46843 46844
(n) The lead abatement credit under section 5747.26 of the	46845

Revised Code. 46846

(3) The election provided for under division (D) of this 46847  
section applies only to the taxable year for which the election is 46848  
made by the pass-through entity. Unless the tax commissioner 46849  
provides otherwise, this election, once made, is binding and 46850  
irrevocable for the taxable year for which the election is made. 46851  
Nothing in this division shall be construed to provide for any 46852  
deduction or credit that would not be allowable if a nonresident 46853  
pass-through entity investor were to file an annual return. 46854

(4) If a pass-through entity makes the election provided for 46855  
under division (D) of this section, the pass-through entity shall 46856  
be liable for any additional taxes, interest, interest penalty, or 46857  
penalties imposed by this chapter if the tax commissioner finds 46858  
that the single return does not reflect the correct tax due by the 46859  
pass-through entity investors covered by that return. Nothing in 46860  
this division shall be construed to limit or alter the liability, 46861  
if any, imposed on pass-through entity investors for unpaid or 46862  
underpaid taxes, interest, interest penalty, or penalties as a 46863  
result of the pass-through entity's making the election provided 46864  
for under division (D) of this section. For the purposes of 46865  
division (D) of this section, "correct tax due" means the tax that 46866  
would have been paid by the pass-through entity had the single 46867  
return been filed in a manner reflecting the commissioner's 46868  
findings. Nothing in division (D) of this section shall be 46869  
construed to make or hold a pass-through entity liable for tax 46870  
attributable to a pass-through entity investor's income from a 46871  
source other than the pass-through entity electing to file the 46872  
single return. 46873

(E) If a husband and wife file a joint federal income tax 46874  
return for a taxable year, they shall file a joint return under 46875  
this section for that taxable year, and their liabilities are 46876  
joint and several, but, if the federal income tax liability of 46877

either spouse is determined on a separate federal income tax 46878  
return, they shall file separate returns under this section. 46879

If either spouse is not required to file a federal income tax 46880  
return and either or both are required to file a return pursuant 46881  
to this chapter, they may elect to file separate or joint returns, 46882  
and, pursuant to that election, their liabilities are separate or 46883  
joint and several. If a husband and wife file separate returns 46884  
pursuant to this chapter, each must claim the taxpayer's own 46885  
exemption, but not both, as authorized under section 5747.02 of 46886  
the Revised Code on the taxpayer's own return. 46887

(F) Each return or notice required to be filed under this 46888  
section shall contain the signature of the taxpayer or the 46889  
taxpayer's duly authorized agent and of the person who prepared 46890  
the return for the taxpayer, and shall include the taxpayer's 46891  
social security number. Each return shall be verified by a 46892  
declaration under the penalties of perjury. The tax commissioner 46893  
shall prescribe the form that the signature and declaration shall 46894  
take. 46895

(G) Each return or notice required to be filed under this 46896  
section shall be made and filed as required by section 5747.04 of 46897  
the Revised Code, on or before the fifteenth day of April of each 46898  
year, on forms that the tax commissioner shall prescribe, together 46899  
with remittance made payable to the treasurer of state in the 46900  
combined amount of the state and all school district income taxes 46901  
shown to be due on the form. 46902

Upon good cause shown, the commissioner may extend the period 46903  
for filing any notice or return required to be filed under this 46904  
section and may adopt rules relating to extensions. If the 46905  
extension results in an extension of time for the payment of any 46906  
state or school district income tax liability with respect to 46907  
which the return is filed, the taxpayer shall pay at the time the 46908  
tax liability is paid an amount of interest computed at the rate 46909

per annum prescribed by section 5703.47 of the Revised Code on 46910  
that liability from the time that payment is due without extension 46911  
to the time of actual payment. Except as provided in section 46912  
5747.132 of the Revised Code, in addition to all other interest 46913  
charges and penalties, all taxes imposed under this chapter or 46914  
Chapter 5748. of the Revised Code and remaining unpaid after they 46915  
become due, except combined amounts due of one dollar or less, 46916  
bear interest at the rate per annum prescribed by section 5703.47 46917  
of the Revised Code until paid or until the day an assessment is 46918  
issued under section 5747.13 of the Revised Code, whichever occurs 46919  
first. 46920

If the commissioner considers it necessary in order to ensure 46921  
the payment of the tax imposed by section 5747.02 of the Revised 46922  
Code or any tax imposed under Chapter 5748. of the Revised Code, 46923  
the commissioner may require returns and payments to be made 46924  
otherwise than as provided in this section. 46925

To the extent that any provision in this division conflicts 46926  
with any provision in section 5747.026 of the Revised Code, the 46927  
provision in that section prevails. 46928

(H) The amounts withheld ~~by an employer~~ pursuant to section 46929  
5747.06 ~~of the Revised Code, a casino operator pursuant to~~ 46930  
~~section, 5747.062, 5747.063 of the Revised Code, or a lottery~~ 46931  
~~sales agent pursuant to section, 5747.064, or 5747.071~~ of the 46932  
Revised Code shall be allowed to the ultimate recipient of the 46933  
~~compensation casino winnings, or lottery prize award~~ income as 46934  
credits against payment of the appropriate taxes imposed on the 46935  
ultimate recipient by section 5747.02 and under Chapter 5748. of 46936  
the Revised Code. As used in this division, "ultimate recipient" 46937  
means the person who is required to report income from which 46938  
amounts are withheld pursuant to section 5747.06, 5747.062, 46939  
5747.063, 5747.064, or 5747.071 of the Revised Code on the annual 46940  
return required to be filed under this section. 46941

(I) If a pass-through entity elects to file a single return 46942  
under division (D) of this section and if any investor is required 46943  
to file the annual return and make the payment of taxes required 46944  
by this chapter on account of the investor's other income that is 46945  
not included in a single return filed by a pass-through entity or 46946  
any other investor elects to file the annual return, the investor 46947  
is entitled to a refundable credit equal to the investor's 46948  
proportionate share of the tax paid by the pass-through entity on 46949  
behalf of the investor. The investor shall claim the credit for 46950  
the investor's taxable year in which or with which ends the 46951  
taxable year of the pass-through entity. Nothing in this chapter 46952  
shall be construed to allow any credit provided in this chapter to 46953  
be claimed more than once. For the purpose of computing any 46954  
interest, penalty, or interest penalty, the investor shall be 46955  
deemed to have paid the refundable credit provided by this 46956  
division on the day that the pass-through entity paid the 46957  
estimated tax or the tax giving rise to the credit. 46958

(J) The tax commissioner shall ensure that each return 46959  
required to be filed under this section includes a box that the 46960  
taxpayer may check to authorize a paid tax preparer who prepared 46961  
the return to communicate with the department of taxation about 46962  
matters pertaining to the return. The return or instructions 46963  
accompanying the return shall indicate that by checking the box 46964  
the taxpayer authorizes the department of taxation to contact the 46965  
preparer concerning questions that arise during the processing of 46966  
the return and authorizes the preparer only to provide the 46967  
department with information that is missing from the return, to 46968  
contact the department for information about the processing of the 46969  
return or the status of the taxpayer's refund or payments, and to 46970  
respond to notices about mathematical errors, offsets, or return 46971  
preparation that the taxpayer has received from the department and 46972  
has shown to the preparer. 46973

(K) The tax commissioner shall permit individual taxpayers to 46974  
instruct the department of taxation to cause any refund of 46975  
overpaid taxes to be deposited directly into a checking account, 46976  
savings account, or an individual retirement account or individual 46977  
retirement annuity, or preexisting college savings plan or program 46978  
account offered by the Ohio tuition trust authority under Chapter 46979  
3334. of the Revised Code, as designated by the taxpayer, when the 46980  
taxpayer files the annual return required by this section 46981  
electronically. 46982

~~(L) A taxpayer claiming the deduction under division (A)(31) 46983  
of section 5747.01 of the Revised Code for a taxable year shall 46984  
indicate on the taxpayer's return the north American industry 46985  
classification system code of each business or professional 46986  
activity from which the taxpayer's business income was derived. 46987  
The tax commissioner shall provide space on the return for this 46988  
purpose and shall prescribe, by rule adopted in accordance with 46989  
Chapter 119. of the Revised Code, the manner by which such a 46990  
taxpayer shall determine the taxpayer's proper classification 46991  
codes and business or professional activities from which the 46992  
taxpayer derives business income. 46993~~

~~(M) The tax commissioner may adopt rules to administer this 46994  
section. 46995~~

**Sec. 5747.10.** (A) As used in this section: 46996

(1) "Audited partnership" means a partnership subject to an 46997  
examination by the internal revenue service pursuant to subchapter 46998  
C, chapter 63, subtitle F of the Internal Revenue Code resulting 46999  
in a federal adjustment. 47000

(2)(a) "Direct investor" means a partner or other investor 47001  
that holds a direct interest in a pass-through entity. 47002

(b) "Indirect investor" means a partner or other investor 47003

that holds an interest in a pass-through entity that itself holds an interest, directly or through another indirect partner or other investor, in a pass-through entity.

(3) "Exempt partner" means a partner that is neither a pass-through entity nor a person subject to the tax imposed by section 5747.02 of the Revised Code.

(4) "Federal adjustment" means a change to an item or amount required to be determined under the Internal Revenue Code that directly or indirectly affects a taxpayer's aggregate tax liability under section 5747.02 or Chapter 5748. of the Revised Code and that results from an action or examination by the internal revenue service, or from the filing of an amended federal tax return, a claim for a federal tax refund, or an administrative adjustment request filed by a partnership under section 6227 of the Internal Revenue Code.

(5) "Federal adjustments return" means the form or other document prescribed by the tax commissioner for use by a taxpayer in reporting final federal adjustments.

(6) "State partnership representative" means either of the following:

(a) The person who served as the partnership's representative for federal income tax purposes, pursuant to section 6223(a) of the Internal Revenue Code, during the corresponding federal partnership audit;

(b) The person designated, on a form prescribed by the tax commissioner, to serve as the partnership's representative during the state partnership audit. The commissioner may establish reasonable qualifications and procedures for a person to be designated as a state partnership representative under this division.

(7) A federal adjustment is "final" or "agreed to or finally

determined for federal income tax purposes" on any of the 47035  
following: 47036

(a) The day after which the period for appeal of a federal 47037  
assessment has expired; 47038

(b) The date on a refund check issued by the internal revenue 47039  
service; or 47040

(c) For agreements required to be signed by the internal 47041  
revenue service and the taxpayer or audited partnership, the date 47042  
on which the last party signed the agreement. 47043

(B)(1) If any of the facts, figures, computations, or 47044  
attachments required in a taxpayer's annual return to determine 47045  
the tax charged by this chapter or Chapter 5748. of the Revised 47046  
Code must be altered as the result of a final federal adjustment, 47047  
and the federal adjustment is not required to be reported under 47048  
division (C) of this section, the taxpayer shall file an amended 47049  
return with the tax commissioner in such form as the commissioner 47050  
requires. The amended return shall be filed not later than ninety 47051  
days after the federal adjustment has been agreed to or finally 47052  
determined for federal income tax purposes. 47053

(2) "One hundred eighty" shall be substituted for "ninety" in 47054  
divisions (B)(1) and (E)(1) of this section if, for any taxable 47055  
year, the final federal adjustment results from taxes paid by the 47056  
taxpayer on an amount described in division ~~(A)(34)~~(A)(32) of 47057  
section 5747.01 of the Revised Code. 47058

(C) Except for adjustments required to be reported for 47059  
federal purposes pursuant to section 6225(a)(2) of the Internal 47060  
Revenue Code and adjustments that are taken into account on a 47061  
federal amended return or similar report filed pursuant to section 47062  
6225(c)(2) of the Internal Revenue Code, partnerships and partners 47063  
shall report final federal adjustments and make payments as 47064  
required under division (C) of this section. 47065

(1) With respect to an action required or permitted to be 47066  
taken by a partnership under this section, and any petition for 47067  
reassessment or appeal to the board of tax appeals or any court 47068  
with respect to such an action, the state partnership 47069  
representative shall have the sole authority to act on behalf of 47070  
the audited partnership, and the partnership's direct and indirect 47071  
investors shall be bound by those actions. 47072

(2) Unless an audited partnership makes the election under 47073  
division (C)(3) of this section: 47074

(a) The audited partnership, through its state partnership 47075  
representative, shall do all of the following within ninety days 47076  
after the federal adjustment is final: 47077

(i) File a federal adjustments return with the tax 47078  
commissioner, including a copy of the notifications provided under 47079  
division (C)(2)(a)(ii) of this section; 47080

(ii) Notify each of its direct investors, on a form 47081  
prescribed by the commissioner, of the investor's distributive 47082  
share of the final federal adjustments; 47083

(iii) File an amended tax return on behalf of its nonresident 47084  
direct investors and pay any additional tax that would have been 47085  
due under sections 5733.41 and 5747.41, or division (D) of section 47086  
5747.08, of the Revised Code with respect to those direct 47087  
investors had the final federal adjustments been reported properly 47088  
on the original filing. 47089

(b) Each direct investor that is subject to the tax imposed 47090  
by section 5747.02 of the Revised Code shall file an original or 47091  
amended tax return to include the investor's distributive share of 47092  
the adjustments reported to the direct investor under division 47093  
(C)(2)(a) of this section, and pay any additional tax due, within 47094  
ninety days after the audited partnership files its federal 47095  
adjustments return with the commissioner. 47096

(c)(i) Each direct and indirect investor of an audited partnership that is a pass-through entity and all investors in such a pass-through entity that are subject to the filing and payment requirements of Chapters 5733. and 5747. of the Revised Code are subject to the reporting and payment requirements of division (C)(2) or, upon a timely election, division (C)(3) of this section.

(ii) Such direct and indirect investors shall make the required returns and payments within ninety days after the deadline for filing and furnishing statements under section 6226(b)(4) of the Internal Revenue Code and applicable treasury regulations.

(3) If an audited partnership makes the election under this division, the audited partnership, through its state partnership representative, shall do all of the following within ninety days after all federal adjustments are final:

(a) File a federal adjustments return with the tax commissioner indicating the partnership has made the election under division (C)(3) of this section;

(b) Pay the amount of combined additional tax due under division (D)(2) of this section, calculated by multiplying the highest rate of tax set forth in section 5747.02 of the Revised Code by the sum of the following:

(i) The distributive shares of the final federal adjustments that are allocable or apportionable to this state of each investor who is a nonresident taxpayer or pass-through entity;

(ii) The distributive share of the final federal adjustments for each investor who is a resident taxpayer.

(c) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments and the amount paid on their behalf

pursuant to division (C)(3)(b) of this section. 47128

(4)(a) A direct investor of an audited partnership is not 47129  
required to file an amended return or pay tax otherwise due under 47130  
section 5747.02 of the Revised Code if the audited partnership 47131  
properly reports and pays the tax under division (C)(3) of this 47132  
section. 47133

(b)(i) Nothing in division (C) of this section precludes a 47134  
direct or indirect investor in the audited partnership from filing 47135  
a return to report the investor's share of the final federal 47136  
adjustments. Such an investor who files a return and reports the 47137  
income related to the final federal adjustments is entitled to a 47138  
refundable credit for taxes paid by the audited partnership under 47139  
division (C)(3)(b) of this section. The credit shall be computed 47140  
and claimed in the same manner as the credit allowed under 47141  
division (I) of section 5747.08 of the Revised Code. 47142

(ii) Notwithstanding division (C)(4)(b)(i) of this section, 47143  
an exempt partner, whether a direct or indirect investor, may file 47144  
an application for refund of its proportionate share of the 47145  
amounts erroneously paid by the audited partnership pursuant to 47146  
division (C)(3)(b) of this section on the exempt partner's behalf. 47147

(5) Upon request by an audited partnership, the tax 47148  
commissioner may agree, in writing, to allow an alternative method 47149  
of reporting and payment than required by ~~divisions~~ division 47150  
(C)(2) or (3) of this section. The request must be submitted to 47151  
the commissioner in writing before the applicable deadline for 47152  
filing a return under division (C)(2)(a) or (3) of this section. 47153  
The commissioner's decision on whether to enter into an agreement 47154  
under this division is not subject to further administrative 47155  
review or appeal. 47156

(6) Nothing in division (C) of this section precludes either 47157  
of the following: 47158

(a) A resident taxpayer from filing a return to claim the credit under division (B) of section 5747.05 or division (D)(2) of section 5747.02 of the Revised Code based upon any amounts paid by the audited partnership on such investor's behalf to another state.

(b) The tax commissioner from issuing an assessment under this chapter against any direct or indirect investor for taxes due from the investor if an audited partnership, or direct and indirect investor of an audited partnership that is a pass-through entity, fails to timely file any return or remit any payment required by this section or underreports income or underpays tax on behalf of an indirect investor who is a resident taxpayer.

(D) In the case of an underpayment, and unless otherwise agreed to in writing by the tax commissioner:

(1) The taxpayer's amended return shall be accompanied by payment of any combined additional tax due together with interest thereon. An amended return required by this section is a return subject to assessment under section 5747.13 of the Revised Code for the purpose of assessing any additional tax due under this section, together with any applicable penalty and interest. It shall not reopen those facts, figures, computations, or attachments from a previously filed return no longer subject to assessment that are not affected, either directly or indirectly, by the final federal adjustment to the taxpayer's federal income tax return.

(2) The audited partnership's federal adjustments return shall be accompanied by payment of any combined additional tax due together with interest thereon. The federal adjustments return required by this section is a return subject to assessment under section 5747.13 of the Revised Code for the purpose of assessing any additional tax due under this section, together with any applicable penalty and interest. It shall not reopen those facts,

figures, computations, or attachments from a previously filed 47191  
return no longer subject to assessment that are not affected, 47192  
either directly or indirectly, by the final federal adjustment. 47193

(3) The tax commissioner may accept estimated payments of the 47194  
tax arising from pending federal adjustments before the date for 47195  
filing a federal adjustments return. The commissioner may adopt 47196  
rules for the payment of such estimated taxes. 47197

(E) In the case of an overpayment, and unless otherwise 47198  
agreed to in writing by the tax commissioner: 47199

(1) A taxpayer may file an application for refund under this 47200  
division within the ninety-day period prescribed for filing the 47201  
amended return even if it is filed beyond the period prescribed in 47202  
section 5747.11 of the Revised Code if it otherwise conforms to 47203  
the requirements of such section. An application filed under this 47204  
division shall claim refund of overpayments resulting from 47205  
alterations to only those facts, figures, computations, or 47206  
attachments required in the taxpayer's annual return that are 47207  
affected, either directly or indirectly, by the final federal 47208  
adjustment to the taxpayer's federal income tax return unless it 47209  
is also filed within the time prescribed in section 5747.11 of the 47210  
Revised Code. It shall not reopen those facts, figures, 47211  
computations, or attachments that are not affected, either 47212  
directly or indirectly, by the adjustment to the taxpayer's 47213  
federal income tax return. 47214

(2)(a) Except as otherwise provided in division (E)(2)(b) of 47215  
this section, an audited partnership may file an application for a 47216  
refund under this division within the ninety-day period prescribed 47217  
for filing the federal adjustments return, even if it is filed 47218  
beyond the period prescribed by section 5747.11 of the Revised 47219  
Code, if it otherwise conforms to the requirements of that 47220  
section. An application filed under this division may claim a 47221  
refund of overpayments resulting only from final federal 47222

adjustments unless it is also filed within the time prescribed by 47223  
section 5747.11 of the Revised Code. It shall not reopen those 47224  
facts, figures, computations, or attachments that are not 47225  
affected, either directly or indirectly, by the federal 47226  
adjustment. 47227

(b) An audited partnership may not file an application for 47228  
refund under division (E) of this section based on final federal 47229  
adjustments described in section 6225(a)(2) of the Internal 47230  
Revenue Code. 47231

(3) Any refund granted to a pass-through entity filing an 47232  
application for refund under division (E) of this section shall be 47233  
reduced by amounts previously claimed as a credit under section 47234  
5747.059 or division (I) of section 5747.08 of the Revised Code by 47235  
the pass-through entity's direct or indirect investors. 47236

(F) Excluding the deadline in division (C)(2)(c)(ii) of this 47237  
section, an audited partnership, or a direct or indirect investor 47238  
of an audited partnership that is a pass-through entity, may 47239  
automatically extend the deadline for reporting, payments, and 47240  
refunds under this section by sixty days if the entity has ten 47241  
thousand or more direct investors and notifies the commissioner of 47242  
such extension, in writing, before the unextended deadline. 47243

Sec. 5751.015. For the purposes of determining the persons 47244  
included in consolidated elected taxpayer and combined taxpayer 47245  
groups under sections 5751.011 and 5751.012 of the Revised Code, 47246  
and the person that is the common owner that owns or controls, 47247  
directly or constructively through related interests, the 47248  
percentage of the value of the ownership interest of one or more 47249  
other persons required by those sections, the following apply: 47250

(A) Except as provided in division (B) of this section, the 47251  
value of the ownership interest of a person shall be determined as 47252  
follows: 47253

(1) In the case of a corporation, the value is calculated 47254  
with respect to only those classes of stock having voting rights. 47255  
Interests held in a corporation are attributable to a shareholder 47256  
in the corporation based on the percentage of total value of the 47257  
voting equity interests in the corporation owned and controlled by 47258  
that shareholder. 47259

(2) In the case of a partnership, limited liability company, 47260  
business trust, unincorporated business interest, or other entity 47261  
with membership interests or beneficial interests, the value is 47262  
calculated with respect to the fair market value of the voting 47263  
interest in the entity. 47264

(3) In the case of a limited partnership, the value is 47265  
calculated with respect to only the general partnership interests 47266  
in the entity. 47267

(4) In the case of two or more persons having an interest in 47268  
an unincorporated business, including but not limited to rental 47269  
property, where there is no formal partnership agreement between 47270  
the persons, an implied partnership is deemed to exist. One 47271  
implied partnership exists for all such commonly owned and 47272  
controlled interests of the unincorporated business. The implied 47273  
partnership is a separate entity for purposes of the tax imposed 47274  
by this chapter and the ownership interests are determined as 47275  
follows: 47276

(a) If the owners file an internal revenue service form 1065, 47277  
the ownership interests are based on the capital account 47278  
contributions reported in tax filings as of the end of the 47279  
previous calendar year. 47280

(b) If the owners are not required to file an internal 47281  
revenue service form 1065, and the business has an interest in 47282  
rental property, the common ownership is based on the deed to the 47283  
rental property. If two persons are listed on the deed, each of 47284

those persons are considered to own and control fifty per cent of the property. The burden is on those persons to prove an alternate ownership structure. 47285  
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47287

(c) If divisions (A)(4)(a) and (b) of this section do not apply, the common ownership of the implied partnership is based on the number of persons in the group. The burden is on those persons to prove an alternate ownership structure. 47288  
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(B) With respect to trusts, a common owner shall be determined as follows: 47292  
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(1) In the case of a trust to which section 677 of the Internal Revenue Code applies, the grantor is the common owner of the trust. 47294  
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(2) In the case of a trust to which section 678 of the Internal Revenue Code applies, the person, other than the trust, described in section 678 of the Internal Revenue Code is the common owner of the trust. 47297  
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(3) In the case of a trust treated as a corporation for federal income tax purposes, including but not limited to real estate investment trusts and business trusts, the beneficiaries of the trust shall be treated as shareholders of a corporation and division (A)(1) of this section applies. 47301  
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(4) In the case of any other trust, there is no common owner. 47306

**Sec. 5751.03.** (A) Except as provided in division (B) of this section, the tax levied under this section for each tax period shall be the product of two and six-tenths mills per dollar times the remainder of the taxpayer's taxable gross receipts for the tax period after subtracting the exclusion amount provided for in division (C) of this section. 47307  
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(B) Notwithstanding division (C) of this section, the tax on the first one million dollars in taxable gross receipts each 47313  
47314

calendar year shall be calculated as follows: 47315

(1) For taxpayers with annual taxable gross receipts of one 47316  
million dollars or less for the immediately preceding calendar 47317  
year, one hundred fifty dollars; 47318

(2) For taxpayers with annual taxable gross receipts greater 47319  
than one million dollars, but less than or equal to two million 47320  
dollars for the immediately preceding calendar year, eight hundred 47321  
dollars; 47322

(3) For taxpayers with annual taxable gross receipts greater 47323  
than two million dollars, but less than or equal to four million 47324  
dollars for the immediately preceding calendar year, two thousand 47325  
one hundred dollars; 47326

(4) For taxpayers with annual taxable gross receipts greater 47327  
than four million dollars for the immediately preceding calendar 47328  
year, two thousand six hundred dollars. 47329

The tax imposed under division (B)(1) of this section shall 47330  
be paid not later than the tenth day of May of each year along 47331  
with the annual tax return. The tax imposed under divisions 47332  
(B)(2), (3), and (4) of this section shall be paid not later than 47333  
the tenth day of May of each year along with the first quarter tax 47334  
return. 47335

(C)(1) Each taxpayer may exclude the first one million 47336  
dollars of taxable gross receipts for a calendar year. Calendar 47337  
quarter taxpayers shall apply the full exclusion amount to the 47338  
first calendar quarter return the taxpayer files that calendar 47339  
year and may carry forward and apply any unused exclusion amount 47340  
to subsequent calendar quarters within that same calendar year. 47341

(2) A taxpayer switching from a calendar year tax period to a 47342  
calendar quarter tax period may, for the first quarter of the 47343  
change, apply the full one-million-dollar exclusion amount to the 47344  
first calendar quarter return the taxpayer files that calendar 47345

year. Such taxpayers may carry forward and apply any unused 47346  
exclusion amount to subsequent calendar quarters within that same 47347  
calendar year. The tax rate shall be based on the rate imposed 47348  
that calendar quarter when the taxpayer switches from a calendar 47349  
year to a calendar quarter tax period. 47350

(3) A taxpayer shall not exclude more than one million 47351  
dollars pursuant to division (C) of this section in a calendar 47352  
year. 47353

**Sec. 5751.40.** (A) As used in this section and division 47354  
(F)(2)(z) of section 5751.01 of the Revised Code: 47355

(1) "Qualifying distribution center receipts" means receipts 47356  
of a supplier from qualified property that is delivered to a 47357  
qualified distribution center, multiplied by a quantity that 47358  
equals one minus the Ohio delivery percentage. If the qualified 47359  
distribution center is a refining facility, "supplier" includes 47360  
all dealers, brokers, processors, sellers, vendors, cosigners, and 47361  
distributors of qualified property. 47362

(2) "Qualified property" means tangible personal property 47363  
delivered to a qualified distribution center that is shipped to 47364  
that qualified distribution center solely for further shipping by 47365  
the qualified distribution center to another location in this 47366  
state or elsewhere or, in the case of gold, silver, platinum, or 47367  
palladium delivered to a refining facility solely for refining to 47368  
a grade and fineness acceptable for delivery to a registered 47369  
commodities exchange. "Further shipping" includes storing and 47370  
repackaging property into smaller or larger bundles, so long as 47371  
the property is not subject to further manufacturing or 47372  
processing. "Refining" is limited to extracting impurities from 47373  
gold, silver, platinum, or palladium through smelting or some 47374  
other process at a refining facility. 47375

(3) "Qualified distribution center" means a warehouse, a 47376

facility similar to a warehouse, or a refining facility in this 47377  
state that, for the qualifying year, is operated by a person that 47378  
is not part of a combined taxpayer group and that has a qualifying 47379  
certificate. All warehouses or facilities similar to warehouses 47380  
that are operated by persons in the same taxpayer group and that 47381  
are located within one mile of each other shall be treated as one 47382  
qualified distribution center. All refining facilities that are 47383  
operated by persons in the same taxpayer group and that are 47384  
located in the same or adjacent counties may be treated as one 47385  
qualified distribution center. 47386

(4) "Qualifying year" means the calendar year to which the 47387  
qualifying certificate applies. 47388

(5) "Qualifying period" means the period of the first day of 47389  
July of the second year preceding the qualifying year through the 47390  
thirtieth day of June of the year preceding the qualifying year. 47391

(6) "Qualifying certificate" means the certificate issued by 47392  
the tax commissioner after the operator of a distribution center 47393  
files an annual application with the commissioner under division 47394  
(B) of this section. 47395

(7) "Ohio delivery percentage" means the proportion of the 47396  
total property delivered to a destination inside Ohio from the 47397  
qualified distribution center during the qualifying period 47398  
compared with total deliveries from such distribution center 47399  
everywhere during the qualifying period. 47400

(8) "Refining facility" means one or more buildings located 47401  
in a county in the Appalachian region of this state as defined by 47402  
section 107.21 of the Revised Code and utilized for refining or 47403  
smelting gold, silver, platinum, or palladium to a grade and 47404  
fineness acceptable for delivery to a registered commodities 47405  
exchange. 47406

(9) "Registered commodities exchange" means a board of trade, 47407

such as New York mercantile exchange, inc. or commodity exchange, 47408  
inc., designated as a contract market by the commodity futures 47409  
trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 47410  
et seq., as amended. 47411

(10) "Ineligible operator's supplier tax liability" means an 47412  
amount equal to the tax liability of all suppliers of a 47413  
distribution center had the distribution center not been issued a 47414  
qualifying certificate for the qualifying year. Ineligible 47415  
operator's supplier tax liability shall not include interest or 47416  
penalties. 47417

(B) For purposes of division (B) of this section, "supplier" 47418  
excludes any person that is part of the consolidated elected 47419  
taxpayer group, if applicable, of the operator of the qualified 47420  
distribution center. 47421

(1) An application for a qualifying certificate to be a 47422  
qualified distribution center shall be filed, and an annual fee 47423  
paid, for each qualified distribution center on or before the 47424  
first day of September before the qualifying year or within 47425  
forty-five days after the distribution center opens, whichever is 47426  
later. The applicant must substantiate to the commissioner's 47427  
satisfaction that, for the qualifying period, all persons 47428  
operating the distribution center have more than fifty per cent of 47429  
the cost of the qualified property shipped to a location such that 47430  
it would be situated outside this state under the provisions of 47431  
division (E) of section 5751.033 of the Revised Code. The 47432  
applicant must also substantiate that the distribution center 47433  
cumulatively had costs from its suppliers equal to or exceeding 47434  
five hundred million dollars during the qualifying period. 47435

The commissioner may require an applicant to have an 47436  
independent certified public accountant certify that the 47437  
calculation of the minimum thresholds required for a qualified 47438  
distribution center by the operator of a distribution center has 47439

been made in accordance with generally accepted accounting 47440  
principles. The commissioner shall issue or deny the issuance of a 47441  
certificate within sixty days after the receipt of the 47442  
application. A denial is subject to appeal under section 5717.02 47443  
of the Revised Code. If the operator files a timely appeal under 47444  
section 5717.02 of the Revised Code, the operator shall be granted 47445  
a qualifying certificate effective for the remainder of the 47446  
qualifying year or until the appeal is finalized, whichever is 47447  
earlier. If the operator does not prevail in the appeal, the 47448  
operator shall pay the ineligible operator's supplier tax 47449  
liability. 47450

(2) If the distribution center is new and was not open for 47451  
the entire qualifying period, the operator of the distribution 47452  
center may request that the commissioner grant a qualifying 47453  
certificate. If the certificate is granted and it is later 47454  
determined that more than fifty per cent of the qualified property 47455  
during that year was not shipped to a location such that it would 47456  
be situated outside of this state under the provisions of division 47457  
(E) of section 5751.033 of the Revised Code or if it is later 47458  
determined that the person that operates the distribution center 47459  
had average monthly costs from its suppliers of less than forty 47460  
million dollars during that year, then the operator of the 47461  
distribution center shall pay the ineligible operator's supplier 47462  
tax liability. 47463

(3) The commissioner may grant a qualifying certificate to a 47464  
distribution center that does not qualify as a qualified 47465  
distribution center for an entire qualifying period if the 47466  
operator of the distribution center demonstrates that the business 47467  
operations of the distribution center have changed or will change 47468  
such that the distribution center will qualify as a qualified 47469  
distribution center within thirty-six months after the date the 47470  
operator first applies for a certificate. If, at the end of that 47471

thirty-six-month period, the business operations of the 47472  
distribution center have not changed such that the distribution 47473  
center qualifies as a qualified distribution center, the operator 47474  
of the distribution center shall pay the ineligible operator's 47475  
supplier tax liability for each year that the distribution center 47476  
received a certificate but did not qualify as a qualified 47477  
distribution center. For each year the distribution center 47478  
receives a certificate under division (B)(3) of this section, the 47479  
distribution center shall pay all applicable fees required under 47480  
this section and shall submit an updated business plan showing the 47481  
progress the distribution center made toward qualifying as a 47482  
qualified distribution center during the preceding year. 47483

(4) An operator may appeal a determination under division 47484  
~~(B)(1)~~(B)(2) or ~~(2)~~(3) of this section that the ineligible 47485  
operator is liable for the operator's supplier tax liability as a 47486  
result of not qualifying as a qualified distribution center, as 47487  
provided in section 5717.02 of the Revised Code. 47488

(C)(1) When filing an application for a qualifying 47489  
certificate under division (B)(1) of this section, the operator of 47490  
a qualified distribution center also shall provide documentation, 47491  
as the commissioner requires, for the commissioner to ascertain 47492  
the Ohio delivery percentage. The commissioner, upon issuing the 47493  
qualifying certificate, also shall certify the Ohio delivery 47494  
percentage. The operator of the qualified distribution center may 47495  
appeal the commissioner's certification of the Ohio delivery 47496  
percentage in the same manner as an appeal is taken from the 47497  
denial of a qualifying certificate under division (B)(1) of this 47498  
section. 47499

(2) In the case where the distribution center is new and not 47500  
open for the entire qualifying period, the operator shall make a 47501  
good faith estimate of an Ohio delivery percentage for use by 47502  
suppliers in their reports of taxable gross receipts for the 47503

remainder of the qualifying period. The operator of the facility 47504  
shall disclose to the suppliers that such Ohio delivery percentage 47505  
is an estimate and is subject to recalculation. By the due date of 47506  
the next application for a qualifying certificate, the operator 47507  
shall determine the actual Ohio delivery percentage for the 47508  
estimated qualifying period and proceed as provided in division 47509  
(C)(1) of this section with respect to the calculation and 47510  
recalculation of the Ohio delivery percentage. The supplier is 47511  
required to file, within sixty days after receiving notice from 47512  
the operator of the qualified distribution center, amended reports 47513  
for the impacted calendar quarter or quarters or calendar year, 47514  
whichever the case may be. Any additional tax liability or tax 47515  
overpayment shall be subject to interest but shall not be subject 47516  
to the imposition of any penalty so long as the amended returns 47517  
are timely filed. 47518

(3) The operator of a distribution center that receives a 47519  
qualifying certificate under division (B)(3) of this section shall 47520  
make a good faith estimate of the Ohio delivery percentage that 47521  
the operator estimates will apply to the distribution center at 47522  
the end of the thirty-six-month period after the operator first 47523  
applied for a qualifying certificate under that division. The 47524  
result of the estimate shall be multiplied by a factor of one and 47525  
seventy-five one-hundredths. The product of that calculation shall 47526  
be the Ohio delivery percentage used by suppliers in their reports 47527  
of taxable gross receipts for each qualifying year that the 47528  
distribution center receives a qualifying certificate under 47529  
division (B)(3) of this section, except that, if the product is 47530  
less than five per cent, the Ohio delivery percentage used shall 47531  
be five per cent and that, if the product exceeds forty-nine per 47532  
cent, the Ohio delivery percentage used shall be forty-nine per 47533  
cent. 47534

(D) Qualifying certificates and Ohio delivery percentages 47535

issued by the commissioner shall be open to public inspection and 47536  
shall be timely published by the commissioner. A supplier relying 47537  
in good faith on a certificate issued under this section shall not 47538  
be subject to tax on the qualifying distribution center receipts 47539  
under this section and division (F)(2)(z) of section 5751.01 of 47540  
the Revised Code. An operator receiving a qualifying certificate 47541  
is liable for the ineligible operator's supplier tax liability for 47542  
each year the operator received a certificate but did not qualify 47543  
as a qualified distribution center. 47544

(E) The tax commissioner shall determine an ineligible 47545  
operator's supplier tax liability based on information that the 47546  
commissioner may request from the operator of the distribution 47547  
center. An operator shall provide a list of all suppliers of the 47548  
distribution center and the corresponding costs of qualified 47549  
property for the qualifying year at issue within sixty days of a 47550  
request by the commissioner under this division. 47551

(F) The annual fee for a qualifying certificate shall be one 47552  
hundred thousand dollars for each qualified distribution center. 47553  
If a qualifying certificate is not issued, the annual fee is 47554  
subject to refund after the exhaustion of all appeals provided for 47555  
in division (B)(1) of this section. The first one hundred thousand 47556  
dollars of the annual application fees collected each calendar 47557  
year shall be credited to the revenue enhancement fund. The 47558  
remainder of the annual application fees collected shall be 47559  
distributed in the same manner required under section 5751.20 of 47560  
the Revised Code. 47561

(G) The tax commissioner may require that adequate security 47562  
be posted by the operator of the distribution center on appeal 47563  
when the commissioner disagrees that the applicant has met the 47564  
minimum thresholds for a qualified distribution center as set 47565  
forth in this section. 47566

~~Sec. 6109.10. (A)(1) As used in this section, (A) The~~ 47567  
~~director of environmental protection shall adopt rules in~~ 47568  
~~accordance with Chapter 119. of the Revised Code establishing a~~ 47569  
~~definition of "lead free" means:~~ 47570

~~(a) Containing not more than two tenths of one per cent lead~~ 47571  
~~when used with respect to solders or flux;~~ 47572

~~(b) Containing not more than a weighted average of~~ 47573  
~~twenty five hundredths per cent lead when used with respect to~~ 47574  
~~wetted surfaces of pipes, pipe fittings, or plumbing fittings or~~ 47575  
~~fixtures.~~ 47576

~~(2) For purposes of this section, the weighted average lead~~ 47577  
~~content of a pipe, pipe fitting, or plumbing fitting or fixture~~ 47578  
~~shall be calculated by using the following formula: for each~~ 47579  
~~wetted component, the percentage of lead in the component shall be~~ 47580  
~~multiplied by the ratio of the wetted surface area of that~~ 47581  
~~component to the total wetted surface area of the entire product~~ 47582  
~~to determine the weighted percentage of lead of the component. The~~ 47583  
~~weighted percentage of lead of each wetted component shall be~~ 47584  
~~added together, and the sum of the weighted percentages shall~~ 47585  
~~constitute the weighted average lead content of the product. The~~ 47586  
~~lead content of the material used to produce wetted components~~ 47587  
~~shall be used to determine whether the wetted surfaces are lead~~ 47588  
~~free pursuant to division (A)(1)(b) of this section. For purposes~~ 47589  
~~of the lead contents of materials that are provided as a range,~~ 47590  
~~the maximum content of the range shall be used for purposes of~~ 47591  
~~this section using standards that are not less stringent than~~ 47592  
~~those established under the Safe Drinking Water Act.~~ 47593

~~(B) Except as provided in division (D) of this section, no~~ 47594  
~~person shall do any of the following:~~ 47595

~~(1) Use any pipe, pipe fitting, plumbing fitting, plumbing~~ 47596  
~~fixture, including a drinking water fountain, solder, or flux that~~ 47597

is not lead free in the installation or repair of a public water system or of any plumbing in a residential or nonresidential facility providing water for human consumption;

(2) Introduce into commerce any pipe, pipe fitting, plumbing fitting, or plumbing fixture, including a drinking water fountain, that is not lead free;

(3) Sell solder or flux that is not lead free while engaged in the business of selling plumbing supplies;

(4) Introduce into commerce any solder or flux that is not lead free unless the solder or flux has a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.

(C) The owner or operator of a public water system shall identify and provide notice to persons that may be affected by lead contamination of their drinking water. The notice shall be in such form and manner as the director of environmental protection may reasonably require, but shall provide a clear and readily understandable explanation of all of the following:

(1) Potential sources of lead in the drinking water;

(2) Potential adverse health effects;

(3) Reasonably available methods of mitigating known or potential lead content in drinking water;

(4) Any steps the public water system is taking to mitigate lead content in drinking water;

(5) The necessity, if any, of seeking alternative water supplies.

The notice shall be provided notwithstanding the absence of a violation of any drinking water standard.

(D)(1) Division (B)(1) of this section does not apply to the use of leaded joints that are necessary for the repair of cast

iron pipes. 47628

(2) Division (B)(2) of this section does not apply to a pipe 47629  
that is used in manufacturing or industrial processing. 47630

(3) Division (B)(3) of this section does not apply to the 47631  
selling of plumbing supplies by manufacturers of those supplies. 47632

(4) Division (B) of this section does not apply to either of 47633  
the following: 47634

(a) Pipes, pipe fittings, or plumbing fittings or fixtures, 47635  
including backflow preventers, that are used exclusively for 47636  
nonpotable services such as manufacturing, industrial processing, 47637  
irrigation, outdoor watering, or any other uses where the water is 47638  
not anticipated to be used for human consumption; 47639

(b) Toilets, bidets, urinals, fill valves, flushometer 47640  
valves, tub fillers, shower valves, fire hydrants, service 47641  
saddles, or water distribution main gate valves that are two 47642  
inches in diameter or larger. 47643

**Sec. 6109.121.** (A) ~~Not later than one hundred twenty days~~ 47644  
~~after the effective date of this section, the~~ The director of 47645  
environmental protection shall adopt rules in accordance with 47646  
Chapter 119. of the Revised Code that do all of the following: 47647

(1) Require the owner or operator of a community or 47648  
nontransient noncommunity water system to conduct sampling of the 47649  
system for lead and copper; 47650

(2) Establish a schedule for lead and copper sampling 47651  
applicable to the owner or operator of a community or nontransient 47652  
noncommunity water system that, at a minimum, does both of the 47653  
following: 47654

(a) Allows the director, in establishing the schedule, to 47655  
consider the following factors when determining if a community or 47656  
nontransient noncommunity water system must conduct sampling at 47657

least once annually: 47658

- (i) The age of the water system; 47659
- (ii) Whether corrosion control requirements are met; 47660
- (iii) Any other relevant risk factors, as determined by the 47661  
director, including aging infrastructure likely to contain lead 47662  
service lines. 47663

(b) Requires the owner or operator of a system where such 47664  
risk factors are identified to conduct sampling at least once 47665  
annually until the risk factors are mitigated in accordance with 47666  
rules. 47667

(3) Require the owner or operator of a community or 47668  
nontransient noncommunity water system to provide collected 47669  
samples to a certified laboratory for analysis; 47670

(4) Authorize the director to require additional sampling for 47671  
pH level and other water quality parameters to determine if 47672  
corrosion control requirements are met; 47673

(5) Authorize the director to establish corrosion control 47674  
requirements for community and nontransient noncommunity water 47675  
systems; 47676

(6) Require the owner or operator of a community or 47677  
nontransient noncommunity water system to conduct a new or updated 47678  
corrosion control treatment study and submit a new or updated 47679  
corrosion control treatment plan not later than eighteen months 47680  
after any of the following events: 47681

- (a) The system changes or adds a source from which water is 47682  
obtained. 47683
- (b) The system makes a substantial change in water treatment. 47684
- (c) The system operates outside of acceptable ranges for 47685  
lead, copper, pH, or other corrosion indicators, as determined by 47686  
the director. 47687

(d) Any other event determined by the director to have the potential to impact the water quality or corrosiveness of water in the system. 47688  
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(7) Authorize the director to waive the requirement to conduct a new or updated corrosion control study established in rules adopted under division (A)(6) of this section in appropriate circumstances; 47691  
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(8) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to complete the study and submit the plan to the director for approval even if sampling results conducted subsequent to the initiation of the study and plan do not exceed the lead action level established in rules adopted under this chapter; 47695  
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(9) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to submit to the director an interim status report of actions taken to implement the corrosion control study six months and twelve months from the date of initiation of the corrosion control study requirement; 47704  
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(10) Establish a lead threshold for individual taps; 47712

(11) Establish and revise content for public education materials; 47713  
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(12) Authorize the director to develop procedures and requirements to document that notices were provided by the owner or operator of a community or nontransient noncommunity water system as required under the rules adopted under division 47715  
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~~(C)(A)(15)~~ of this section; 47719

~~(13) Notwithstanding section 6109.23 of the Revised Code,~~ 47720  
~~establish the following Authorize the director to assess~~ 47721  
~~administrative penalties in accordance with section 6109.23 of the~~ 47722  
~~Revised Code for violations of the notice requirements established~~ 47723  
~~in rules adopted under divisions ~~(C)(1)(A)(15)(b)~~ and~~ 47724  
~~(C)(3)(a)(c)(i) of this section that are applicable to a community~~ 47725  
~~or nontransient noncommunity water system.;~~ 47726

~~(a) For a violation of division (C)(1) of this section by a~~ 47727  
~~system that serves not less than twenty five people, but not more~~ 47728  
~~than three thousand three hundred people, an administrative~~ 47729  
~~penalty of twenty five dollars per day for each day that the~~ 47730  
~~system failed to provide each notice;~~ 47731

~~(b) For a violation of division (C)(1) of this section by a~~ 47732  
~~system that serves more than three thousand three hundred people,~~ 47733  
~~but not more than ten thousand people, an administrative penalty~~ 47734  
~~of fifty dollars per day for each day that the system failed to~~ 47735  
~~provide each notice;~~ 47736

~~(c) For a violation of division (C)(1) of this section by a~~ 47737  
~~system that serves more than ten thousand people, but not more~~ 47738  
~~than twenty five thousand people, an administrative penalty of~~ 47739  
~~seventy five dollars per day for each day that the system failed~~ 47740  
~~to provide each notice;~~ 47741

~~(d) For a violation of division (C)(1) of this section by a~~ 47742  
~~system that serves more than twenty five thousand people, an~~ 47743  
~~administrative penalty of one hundred dollars per day for each day~~ 47744  
~~that the system failed to provide each notice;~~ 47745

~~(e) For a violation of division (C)(3)(a) of this section by~~ 47746  
~~a system that serves not less than twenty five people, but not~~ 47747  
~~more than three thousand three hundred people, an administrative~~ 47748  
~~penalty of two hundred fifty dollars per day for each day the~~ 47749

~~system failed to provide the notice;~~ 47750

~~(f) For a violation of division (C)(3)(a) of this section by  
a system that serves more than three thousand three hundred  
people, but not more than ten thousand people, an administrative  
penalty of five hundred dollars per day for each day the system  
failed to provide the notice;~~ 47751  
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~~(g) For a violation of division (C)(3)(a) of this section by  
a system that serves more than ten thousand people, but not more  
than twenty five thousand people, an administrative penalty of  
seven hundred fifty dollars per day for each day the system failed  
to provide the notice;~~ 47756  
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~~(h) For a violation of division (C)(3)(a) of this section by  
a system that serves more than twenty five thousand people, an  
administrative penalty of one thousand dollars per day for each  
day the system failed to provide the notice.~~ 47761  
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~~(B) A (14) Require a laboratory that receives a lead or  
copper tap water sample from a community or nontransient  
noncommunity water system shall to do both of the following:~~ 47765  
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~~(1)(a) Complete a lead or copper analysis of the sample, as  
applicable, not later than thirty business days after the receipt  
of the sample;~~ 47768  
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~~(2)(b) Not later than the end of the next business day  
following the day the analysis of the sample is completed, report  
the results of the analysis and all identifying information about  
where the sample was collected to the community or nontransient  
noncommunity water system and the director.~~ 47771  
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~~(C) The (15) Require the owner or operator of a community or  
nontransient noncommunity water system shall to do all of the  
following, as applicable, with regard to laboratory results  
received under rules adopted under division (B)(2)(A)(14) of this  
section:~~ 47776  
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~~(1)~~ Not later than two business days after the receipt of the laboratory results (a) If the laboratory results show that a sample from an individual tap is below the applicable lead threshold as established in rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than thirty business days after the receipt of the laboratory results;

~~(2)(b)~~ If the results show that a sample from an individual tap is above the applicable lead threshold as established under rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than two business days after the receipt of the laboratory results, and do all of the following, as applicable:

~~(a)(i)~~ For the owner or operator of a nontransient noncommunity water system, immediately remove from service all fixtures identified as contributing to elevated lead levels;

~~(b)(ii)~~ For the owner or operator of a community water system, include in the system's annual consumer confidence report the lead or copper laboratory results, an explanation of the associated health risks, what actions consumers of the system can take to reduce health risks, and the actions the system is taking to reduce public exposure;

~~(c)(iii)~~ Not later than two business days after the receipt of the laboratory results, provide information on the availability of health screening and blood lead level testing to the owner and persons served at the residence or other structure where the sample was collected and provide notice of the laboratory results to the applicable local board of health.

~~(3)~~(c) If the laboratory results show that the community or nontransient noncommunity water system exceeds the lead action level established in rules adopted under this chapter, do all of the following, as applicable:

~~(a)~~(i) Not later than two business days after the receipt of the laboratory results, provide notice to all of the system's water consumers that the system exceeds the lead action level. The owner or operator shall provide the notice in a form specified by the director.

~~(b)~~(ii) Not later than five business days after the receipt of the laboratory results by the owner or operator of a community water system, provide information on the availability of tap water testing for lead to all consumers served by the system who are known or likely to have lead service lines, lead pipes, or lead solder as identified in the map required to be completed by rules adopted under division ~~(F)~~(A)(18) of this section;

~~(c)~~(iii) Not later than thirty business days after the receipt of the laboratory results, make an analysis of laboratory results available to all consumers served by the system, comply with public education requirements established in rules adopted under this chapter that apply when a public water system exceeds the lead action level, and provide information to consumers served by the system about the availability of health screenings and blood lead level testing in the area served by the water system;

~~(d)~~(iv) Subject to rules adopted under division (A)(7) of this section, perform a corrosion control treatment study and submit a corrosion control treatment plan to the director not later than eighteen months after the date on which laboratory results were received by the owner or operator indicating that the system exceeded the lead action level.

~~(D)~~ ~~Not~~ (16) Require that not later than five business days

after the receipt of the laboratory results, the owner or operator 47844  
shall certify to the director that the owner or operator has 47845  
complied with the requirements of rules adopted under divisions 47846  
~~(C)(1)(A)(15)(b), (C)(2)(e)(A)(15)(c)(i), (C)(3)(a), and (C)~~ 47847  
~~(3)(b)(A)(15)(c)(ii)~~ of this section, as applicable. 47848

~~(E) If (17) Require that if~~ the owner or operator of a 47849  
community or nontransient noncommunity water system fails to 47850  
provide the notices required under rules adopted under division 47851  
~~(C)(1)(A)(15)(b) or (C)(3)(a)(c)(i)~~ of this section, the director 47852  
shall provide those notices beginning ten business days from the 47853  
date that the director receives laboratory results under the rules 47854  
adopted under division ~~(B)(A)(14)~~ of this section. 47855

~~(F) Not later than six months after the effective date of~~ 47856  
~~this section, the owner or operator of a community or nontransient~~ 47857  
~~noncommunity water system shall do all of the following, as~~ 47858  
~~applicable:~~ 47859

~~(1) For the owner or operator of a community water system,~~ 47860  
~~identify and map areas of the system that are known or are likely~~ 47861  
~~to contain lead service lines and identify characteristics of~~ 47862  
~~buildings served by the system that may contain lead piping,~~ 47863  
~~solder, or fixtures;~~ 47864

~~(2) For the owner or operator of a nontransient noncommunity~~ 47865  
~~water system, identify and map areas of the system with lead~~ 47866  
~~piping, solder, or fixtures in buildings served by the system;~~ 47867

~~(3) Submit a copy of the applicable map to the department of~~ 47868  
~~health and the department of job and family services;~~ 47869

~~(4) Submit a report to the director containing at least both~~ 47870  
~~of the following:~~ 47871

~~(a) The applicable map;~~ 47872

~~(b) A list of sampling locations that are tier I sites used~~ 47873

~~to collect samples as required by rules adopted under this 47874  
chapter, including contact information for the owner and occupant 47875  
of each sampling site. 47876~~

~~(G) The owner or operator of a community or nontransient 47877  
noncommunity water system shall update and resubmit the 47878  
information required under division (F) of this section once every 47879  
five years beginning five years after the date of the initial 47880  
submission. 47881~~

~~(H) The director shall provide financial assistance from the 47882  
drinking water assistance fund established under section 6109.22 47883  
of the Revised Code to community water systems and nontransient 47884  
noncommunity water systems for the purpose of fulfilling the 47885  
mapping requirements under division (F) of this section and 47886  
complying with corrosion control requirements established in rules 47887  
adopted under division (A) of this section. In addition, the (18) 47888  
Require the owner or operator of a community or nontransient 47889  
noncommunity water system to submit a map to the director showing 47890  
areas of the system that are known or are likely to contain lead 47891  
service lines and identifying characteristics of buildings served 47892  
by the system that may contain lead piping, solder, or fixtures. 47893  
The rules shall, at a minimum, require the owner or operator to do 47894  
all of the following: 47895~~

~~(a) Submit a copy of the applicable map to the department of 47896  
health and the department of job and family services; 47897~~

~~(b) Submit a report to the director containing at least the 47898  
applicable map and a list of sampling locations that are tier I 47899  
sites used to collect samples as required by rules adopted under 47900  
this chapter, including contact information for the owner and 47901  
occupant of each sampling site; 47902~~

~~(c) Update and resubmit the information required by divisions 47903  
(A)(18)(a) and (b) of this section according to a schedule 47904~~

determined by the director, but not less frequently than required 47905  
under the Safe Drinking Water Act. 47906

(B) The director shall post information on the environmental 47907  
protection agency's web site about ~~other~~ sources of funding that 47908  
are available to assist communities with lead service line 47909  
identification and replacement and schools with fountain and 47910  
water-service fixture replacement. 47911

~~(I)~~(C) As required by the director, an owner or operator of a 47912  
nontransient noncommunity water system that is a school or child 47913  
day-care center shall collect additional tap water samples in 47914  
buildings identified in the map required to be completed by rules 47915  
adopted under division ~~(F)~~(A)(18) of this section. 47916

~~(J)~~(D) As used in this section: 47917

(1) "Child day-care center" has the same meaning as in 47918  
section 5104.01 of the Revised Code. 47919

(2) "School" means a school operated by the board of 47920  
education of a city, local, exempted village, or joint vocational 47921  
school district, the governing board of an educational service 47922  
center, the governing authority of a community school established 47923  
under Chapter 3314. of the Revised Code, the governing body of a 47924  
science, technology, engineering, and mathematics school 47925  
established under Chapter 3326. of the Revised Code, the board of 47926  
trustees of a college-preparatory boarding school established 47927  
under Chapter 3328. of the Revised Code, or the governing 47928  
authority of a chartered or nonchartered nonpublic school. 47929

(3) "Local board of health" means the applicable board of 47930  
health of a city or general health district or the authority 47931  
having the duties of a board of health under section 3709.05 of 47932  
the Revised Code. 47933

**Sec. 6111.027.** (A) Mitigation for impacts to isolated 47934

wetlands under sections 6111.02 to 6111.027 shall be conducted in 47935  
accordance with the following ratios: 47936

(1) For category 1 and category 2 isolated wetlands, other 47937  
than forested category 2 isolated wetlands, mitigation located at 47938  
an approved wetland mitigation bank shall be conducted, or 47939  
mitigation shall be paid for under an in-lieu fee mitigation 47940  
program, at a rate of two times the size of the area of isolated 47941  
wetland that is being impacted. 47942

(2) For forested category 2 isolated wetlands, mitigation 47943  
located at an approved wetland mitigation bank shall be conducted, 47944  
or mitigation shall be paid for under an in-lieu fee mitigation 47945  
program, at a rate of two and one-half times the size of the area 47946  
of isolated wetland that is being impacted. 47947

(3) All other mitigation shall be subject to mitigation 47948  
ratios established in ~~division (F)~~ of rule 3745-1-54 of the 47949  
Administrative Code. 47950

(B) Mitigation that involves the enhancement or preservation 47951  
of isolated wetlands shall be calculated and performed in 47952  
accordance with rule 3745-1-54 of the Administrative Code. 47953

(C) An applicant for coverage under a general state isolated 47954  
wetland permit or for an individual state isolated wetland permit 47955  
under sections 6111.022 to 6111.024 of the Revised Code shall 47956  
demonstrate that the mitigation site will be protected long term 47957  
and that appropriate practicable management measures are, or will 47958  
be, in place to restrict harmful activities that jeopardize the 47959  
mitigation. 47960

**Sec. 6111.13.** (A) As used in this section: 47961

(1) "Method detection limit" has the same meaning as in 40 47962  
C.F.R. part 136, appendix B, and shall be determined in accordance 47963  
with the procedures set forth in that appendix. 47964

(2) "Practical quantification level" means a concentration 47965  
that is five times the method detection limit for the most 47966  
sensitive available analytical procedure currently approved under 47967  
40 C.F.R. part 136 for a pollutant unless the director of 47968  
environmental protection, by rules adopted in accordance with 47969  
Chapter 119. of the Revised Code, establishes a different 47970  
practical quantification level for the pollutant that is 47971  
consistent with and no more stringent than the appropriate 47972  
national consensus standard or other generally accepted standard. 47973

(B) Notwithstanding any other provisions of this chapter to 47974  
the contrary, and until the director has adopted rules specifying 47975  
a different basis for determining compliance consistent with and 47976  
no more stringent than an appropriate national consensus standard 47977  
or other generally accepted standard, if a discharge limit is set 47978  
below the practical quantification level for a particular 47979  
parameter, any value reported ~~at or~~ below the practical 47980  
quantification level shall be considered to be in compliance with 47981  
that limit. 47982

(C) Whenever a discharge limit for a pollutant is less than 47983  
the practical quantification level, the director may require the 47984  
permit holder to identify the possible sources of that pollutant. 47985  
The director, by rule, may specify additional actions that the 47986  
permit holder may be required to take when the director finds the 47987  
actions to be necessary to prevent or mitigate significant adverse 47988  
effects on public health or environmental quality. Failure of a 47989  
permit holder to comply with additional actions required by the 47990  
director under this division constitutes a violation of the permit 47991  
holder's discharge permit. 47992

**Section 101.02.** That existing sections 9.318, 9.821, 9.822, 47993  
9.83, 102.02, 109.572, 109.79, 111.16, 111.28, 111.48, 119.12, 47994  
121.02, 121.03, 121.07, 121.08, 121.084, 121.22, 122.01, 122.011, 47995

122.041, 122.17, 122.178, 122.42, 122.60, 122.601, 122.603, 47996  
122.65, 122.72, 122.73, 122.74, 122.751, 122.76, 122.77, 122.78, 47997  
122.79, 122.82, 122.86, 122.87, 122.89, 122.90, 122.92, 123.01, 47998  
123.02, 123.151, 123.152, 123.153, 123.154, 124.136, 125.02, 47999  
125.04, 125.08, 125.081, 125.09, 125.14, 125.18, 125.65, 125.832, 48000  
125.95, 126.37, 128.55, 131.43, 133.06, 149.311, 149.434, 155.011, 48001  
166.01, 166.03, 166.27, 169.05, 169.07, 169.13, 173.39, 173.391, 48002  
173.392, 173.393, 174.01, 174.02, 183.021, 183.18, 183.33, 184.01, 48003  
184.173, 307.921, 319.54, 321.27, 329.12, 340.13, 901.171, 901.91, 48004  
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1322.21, 1327.501, 1503.03, 1503.05, 1503.141, 1503.33, 1505.09, 48006  
1509.12, 1509.13, 1513.08, 1521.06, 1521.061, 1521.40, 1521.99, 48007  
1531.01, 1531.35, 1533.01, 1533.101, 1533.11, 1533.12, 1546.06, 48008  
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2923.21, 2927.02, 2929.14, 2929.15, 2929.19, 2929.20, 2929.25, 48013  
2935.01, 2935.10, 2941.141, 2941.144, 2941.145, 2953.25, 2967.04, 48014  
2967.17, 2967.19, 2967.28, 2981.13, 3107.014, 3107.03, 3107.11, 48015  
3107.15, 3113.31, 3119.01, 3125.18, 3301.079, 3301.0714, 48016  
3301.0715, 3311.741, 3313.48, 3313.488, 3313.60, 3313.603, 48017  
3313.608, 3313.61, 3313.618, 3313.619, 3313.6113, 3313.6114, 48018  
3314.013, 3314.016, 3314.017, 3314.03, 3314.06, 3314.088, 48019  
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3745.11, 3746.01, 3746.04, 3746.071, 3746.09, 3746.10, 3746.11, 48031  
3746.12, 3746.13, 3746.17, 3746.18, 3746.19, 3746.20, 3746.21, 48032  
3746.31, 3746.35, 3770.073, 3772.01, 3791.07, 3794.01, 3929.87, 48033  
4117.103, 4141.01, 4141.131, 4141.21, 4141.22, 4141.51, 4141.53, 48034  
4141.55, 4301.43, 4303.17, 4303.185, 4303.26, 4303.271, 4505.09, 48035  
4735.05, 4735.14, 4735.15, 4735.211, 4755.01, 4755.02, 4755.04, 48036  
4755.05, 4755.06, 4755.08, 4755.11, 4755.12, 4755.42, 4755.421, 48037  
4755.47, 4755.48, 4755.64, 4757.10, 4763.15, 4779.28, 4779.33, 48038  
4781.04, 4781.07, 4781.281, 4781.56, 4781.57, 4901.10, 4906.02, 48039  
4911.17, 5101.141, 5101.1411, 5101.1412, 5101.1415, 5101.342, 48040  
5101.35, 5101.80, 5101.801, 5101.802, 5101.971, 5103.02, 48041  
5103.0310, 5104.01, 5104.017, 5104.07, 5104.34, 5107.10, 5119.27, 48042  
5119.33, 5119.34, 5119.36, 5119.43, 5119.99, 5120.035, 5120.62, 48043  
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5124.38, 5124.39, 5124.40, 5124.41, 5124.46, 5126.044, 5126.05, 48046  
5126.054, 5126.055, 5126.056, 5126.071, 5126.131, 5145.31, 48047  
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5165.16, 5165.17, 5165.191, 5165.771, 5166.01, 5167.16, 5168.60, 48049  
5168.61, 5301.13, 5301.14, 5301.15, 5301.18, 5301.21, 5501.332, 48050  
5502.14, 5502.30, 5701.11, 5703.21, 5703.70, 5705.16, 5709.121, 48051  
5709.21, 5726.20, 5731.21, 5731.24, 5731.28, 5731.41, 5741.01, 48052  
5741.03, 5747.01, 5747.05, 5747.08, 5747.10, 5751.03, 5751.40, 48053  
6109.10, 6109.121, 6111.027, and 6111.13 of the Revised Code are 48054  
hereby repealed. 48055

**Section 105.01.** That sections 109.802, 117.49, 117.50, 48056  
183.12, 183.13, 183.14, 183.15, 183.16, 183.17, 184.011, 1533.38, 48057  
3301.0724, 3301.122, 3301.46, 3301.922, 3313.901, 3314.033, 48058  
3314.30, 3314.31, 3314.37, 3317.029, 3317.27, 3326.05, 3326.111, 48059  
3333.611, 3333.612, 3333.614, 3333.67, 3735.01, 3746.07, 4503.515, 48060

5123.046, 5124.171, 5124.195, 5124.196, 5124.197, 5124.198, 48061  
5124.199, 5124.211, 5124.231, 5124.28, 5126.12, 5126.121, 5165.25, 48062  
5165.26, 5167.172, 5701.15, and 5741.032 of the Revised Code are 48063  
hereby repealed. 48064

**Section 110.10.** That the version of section 3319.227 of the 48065  
Revised Code that is scheduled to take effect April 12, 2023, be 48066  
amended to read as follows: 48067

**Sec. 3319.227.** (A) Notwithstanding any other provision of the 48068  
Revised Code or any rule adopted by the state board of education 48069  
to the contrary, the state board shall issue a resident educator 48070  
license under section 3319.22 of the Revised Code to each person 48071  
who is assigned to teach in this state as a participant in the 48072  
teach for America program and who satisfies the following 48073  
conditions for the duration of the program: 48074

(1) Holds a bachelor's degree from an accredited institution 48075  
of higher education; 48076

(2) Maintained a cumulative undergraduate grade point average 48077  
of at least 2.5 out of 4.0, or its equivalent; 48078

(3) Has passed an examination prescribed by the state board 48079  
in the subject area to be taught; 48080

(4) Has successfully completed the summer training institute 48081  
operated by teach for America; 48082

(5) Remains an active member of the teach for America 48083  
two-year support program. 48084

(B) The state board shall issue a resident educator license 48085  
under this section for teaching in any grade level or subject area 48086  
for which a person may obtain a resident educator license under 48087  
section 3319.22 of the Revised Code. The state board shall not 48088  
adopt rules establishing any additional qualifications for the 48089

license beyond those specified in this section. 48090

(C) Notwithstanding any other provision of the Revised Code 48091  
or any rule adopted by the state board to the contrary, the state 48092  
board shall issue a resident educator license under section 48093  
3319.22 of the Revised Code to any applicant who has completed at 48094  
least two years of teaching in another state as a participant in 48095  
the teach for America program and meets all of the conditions of 48096  
divisions (A)(1) to (4) of this section. The state board shall 48097  
credit an applicant under this division as having completed the 48098  
teacher residency program under section 3319.223 of the Revised 48099  
Code. 48100

(D) In order to place teachers in this state, the teach for 48101  
America program shall enter into an agreement with one or more 48102  
accredited four-year public or private institutions of higher 48103  
education in the state to provide optional training of teach for 48104  
America participants for the purpose of enabling those 48105  
participants to complete an optional master's degree or an 48106  
equivalent amount of coursework. Nothing in this division shall 48107  
require any teach for America participant to complete a master's 48108  
degree as a condition of holding a license issued under this 48109  
section. 48110

(E) The superintendent of public instruction, on behalf of 48111  
the state board, shall ~~revoke~~ inactivate a resident educator 48112  
license issued to a participant in the teach for America program 48113  
who is assigned to teach in this state if the participant resigns 48114  
or is dismissed from the program prior to completion of the 48115  
two-year teach for America support program. The inactivation of a 48116  
license under this division does not constitute a suspension or 48117  
revocation of the license by the state board under section 3319.31 48118  
of the Revised Code and the state board and the state 48119  
superintendent need not provide the person with an opportunity for 48120  
a hearing with respect to the inactivation. 48121

**Section 110.11.** That the existing version of section 3319.227 48122  
of the Revised Code that is scheduled to take effect April 12, 48123  
2023, is hereby repealed. 48124

**Section 110.12.** Sections 110.10 and 110.11 of this act take 48125  
effect on April 12, 2023. 48126

**Section 110.22.** Sections 3319.31, 3319.39, and 3772.01 of the 48127  
Revised Code as presented in this act take effect on the later of 48128  
October 9, 2021, or the effective date of this section. (October 48129  
9, 2021, is the effective date of earlier amendments to those 48130  
section by H.B. 263 of the 133rd General Assembly.) 48131

**Section 130.10.** That sections 111.15, 140.01, 3701.07, 48132  
3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.31, 48133  
3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 3705.30, 48134  
3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 3711.10, 48135  
3711.12, 3711.14, 3711.10, 3727.70, 3781.112, 3901.40, 3929.67, 48136  
4723.431, 4723.481, 4730.411, 4731.31, and 4761.01 be amended and 48137  
sections 3722.01, 3722.02, 3722.03, 3722.04, 3722.05, 3722.06, 48138  
3722.07, 3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 3722.13, 48139  
3722.14, and 3722.99 of the Revised Code be enacted to read as 48140  
follows: 48141

**Sec. 111.15.** (A) As used in this section: 48142

(1) "Rule" includes any rule, regulation, bylaw, or standard 48143  
having a general and uniform operation adopted by an agency under 48144  
the authority of the laws governing the agency; any appendix to a 48145  
rule; and any internal management rule. "Rule" does not include 48146  
any guideline adopted pursuant to section 3301.0714 of the Revised 48147  
Code, any order respecting the duties of employees, any finding, 48148  
any determination of a question of law or fact in a matter 48149

presented to an agency, or any rule promulgated pursuant to 48150  
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 48151  
Revised Code. "Rule" includes any amendment or rescission of a 48152  
rule. 48153

(2) "Agency" means any governmental entity of the state and 48154  
includes, but is not limited to, any board, department, division, 48155  
commission, bureau, society, council, institution, state college 48156  
or university, community college district, technical college 48157  
district, or state community college. "Agency" does not include 48158  
the general assembly, the controlling board, the adjutant 48159  
general's department, or any court. 48160

(3) "Internal management rule" means any rule, regulation, 48161  
bylaw, or standard governing the day-to-day staff procedures and 48162  
operations within an agency. 48163

(B)(1) Any rule, other than a rule of an emergency nature, 48164  
adopted by any agency pursuant to this section shall be effective 48165  
on the tenth day after the day on which the rule in final form and 48166  
in compliance with division (B)(3) of this section is filed as 48167  
follows: 48168

(a) The rule shall be filed in electronic form with both the 48169  
secretary of state and the director of the legislative service 48170  
commission; 48171

(b) The rule shall be filed in electronic form with the joint 48172  
committee on agency rule review. Division (B)(1)(b) of this 48173  
section does not apply to any rule to which division (D) of this 48174  
section does not apply. 48175

An agency that adopts or amends a rule that is subject to 48176  
division (D) of this section shall assign a review date to the 48177  
rule that is not later than five years after its effective date. 48178  
If a review date assigned to a rule exceeds the five-year maximum, 48179  
the review date for the rule is five years after its effective 48180

date. A rule with a review date is subject to review under section 48181  
106.03 of the Revised Code. This paragraph does not apply to a 48182  
rule of a state college or university, community college district, 48183  
technical college district, or state community college. 48184

If an agency in adopting a rule designates an effective date 48185  
that is later than the effective date provided for by division 48186  
(B)(1) of this section, the rule if filed as required by such 48187  
division shall become effective on the later date designated by 48188  
the agency. 48189

Any rule that is required to be filed under division (B)(1) 48190  
of this section is also subject to division (D) of this section if 48191  
not exempted by that division. 48192

If a rule incorporates a text or other material by reference, 48193  
the agency shall comply with sections 121.71 to 121.75 of the 48194  
Revised Code. 48195

(2) A rule of an emergency nature necessary for the immediate 48196  
preservation of the public peace, health, or safety shall state 48197  
the reasons for the necessity. The emergency rule, in final form 48198  
and in compliance with division (B)(3) of this section, shall be 48199  
filed in electronic form with the secretary of state, the director 48200  
of the legislative service commission, and the joint committee on 48201  
agency rule review. The emergency rule is effective immediately 48202  
upon completion of the latest filing, except that if the agency in 48203  
adopting the emergency rule designates an effective date, or date 48204  
and time of day, that is later than the effective date and time 48205  
provided for by division (B)(2) of this section, the emergency 48206  
rule if filed as required by such division shall become effective 48207  
at the later date, or later date and time of day, designated by 48208  
the agency. 48209

An emergency rule becomes invalid at the end of the one 48210  
hundred twentieth day it is in effect. Prior to that date, the 48211

agency may file the emergency rule as a nonemergency rule in 48212  
compliance with division (B)(1) of this section. The agency may 48213  
not refile the emergency rule in compliance with division (B)(2) 48214  
of this section so that, upon the emergency rule becoming invalid 48215  
under such division, the emergency rule will continue in effect 48216  
without interruption for another one hundred twenty-day period. 48217

(3) An agency shall file a rule under division (B)(1) or (2) 48218  
of this section in compliance with the following standards and 48219  
procedures: 48220

(a) The rule shall be numbered in accordance with the 48221  
numbering system devised by the director for the Ohio 48222  
administrative code. 48223

(b) The rule shall be prepared and submitted in compliance 48224  
with the rules of the legislative service commission. 48225

(c) The rule shall clearly state the date on which it is to 48226  
be effective and the date on which it will expire, if known. 48227

(d) Each rule that amends or rescinds another rule shall 48228  
clearly refer to the rule that is amended or rescinded. Each 48229  
amendment shall fully restate the rule as amended. 48230

If the director of the legislative service commission or the 48231  
director's designee gives an agency notice pursuant to section 48232  
103.05 of the Revised Code that a rule filed by the agency is not 48233  
in compliance with the rules of the legislative service 48234  
commission, the agency shall within thirty days after receipt of 48235  
the notice conform the rule to the rules of the commission as 48236  
directed in the notice. 48237

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 48238  
of this section shall be recorded by the secretary of state and 48239  
the director under the title of the agency adopting the rule and 48240  
shall be numbered according to the numbering system devised by the 48241  
director. The secretary of state and the director shall preserve 48242

the rules in an accessible manner. Each such rule shall be a 48243  
public record open to public inspection and may be transmitted to 48244  
any law publishing company that wishes to reproduce it. 48245

(D) At least sixty-five days before a board, commission, 48246  
department, division, or bureau of the government of the state 48247  
files a rule under division (B)(1) of this section, it shall file 48248  
the full text of the proposed rule in electronic form with the 48249  
joint committee on agency rule review, and the proposed rule is 48250  
subject to legislative review and invalidation under section 48251  
106.021 of the Revised Code. If a state board, commission, 48252  
department, division, or bureau makes a revision in a proposed 48253  
rule after it is filed with the joint committee, the state board, 48254  
commission, department, division, or bureau shall promptly file 48255  
the full text of the proposed rule in its revised form in 48256  
electronic form with the joint committee. A state board, 48257  
commission, department, division, or bureau shall also file the 48258  
rule summary and fiscal analysis prepared under section 106.024 of 48259  
the Revised Code in electronic form along with a proposed rule, 48260  
and along with a proposed rule in revised form, that is filed 48261  
under this division. If a proposed rule has an adverse impact on 48262  
businesses, the state board, commission, department, division, or 48263  
bureau also shall file the business impact analysis, any 48264  
recommendations received from the common sense initiative office, 48265  
and the associated memorandum of response, if any, in electronic 48266  
form along with the proposed rule, or the proposed rule in revised 48267  
form, that is filed under this division. 48268

A proposed rule that is subject to legislative review under 48269  
this division may not be adopted and filed in final form under 48270  
division (B)(1) of this section unless the proposed rule has been 48271  
filed with the joint committee on agency rule review under this 48272  
division and the time for the joint committee to review the 48273  
proposed rule has expired without recommendation of a concurrent 48274

resolution to invalidate the proposed rule. 48275

As used in this division, "commission" includes the public 48276  
utilities commission when adopting rules under a federal or state 48277  
statute. 48278

This division does not apply to any of the following: 48279

(1) A proposed rule of an emergency nature; 48280

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 48281  
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 48282  
4123.411, 4123.44, or 4123.442 of the Revised Code; 48283

(3) A rule proposed by an agency other than a board, 48284  
commission, department, division, or bureau of the government of 48285  
the state; 48286

(4) A proposed internal management rule of a board, 48287  
commission, department, division, or bureau of the government of 48288  
the state; 48289

(5) Any proposed rule that must be adopted verbatim by an 48290  
agency pursuant to federal law or rule, to become effective within 48291  
sixty days of adoption, in order to continue the operation of a 48292  
federally reimbursed program in this state, so long as the 48293  
proposed rule contains both of the following: 48294

(a) A statement that it is proposed for the purpose of 48295  
complying with a federal law or rule; 48296

(b) A citation to the federal law or rule that requires 48297  
verbatim compliance. 48298

(6) An ~~initial rule proposed by the director of health to~~ 48299  
~~impose safety standards and quality of care standards with respect~~ 48300  
~~to a health service specified in section 3702.11 of the Revised~~ 48301  
~~Code, or an~~ initial rule proposed by the director of health to 48302  
impose quality standards on a health care facility as defined in 48303  
section 3702.30 of the Revised Code, ~~if section 3702.12 of the~~ 48304

~~Revised Code requires that the rule be adopted under this section;~~ 48305

(7) A rule of the state lottery commission pertaining to 48306  
instant game rules. 48307

If a rule is exempt from legislative review under division 48308  
(D)(5) of this section, and if the federal law or rule pursuant to 48309  
which the rule was adopted expires, is repealed or rescinded, or 48310  
otherwise terminates, the rule is thereafter subject to 48311  
legislative review under division (D) of this section. 48312

Whenever a state board, commission, department, division, or 48313  
bureau files a proposed rule or a proposed rule in revised form 48314  
under division (D) of this section, it shall also file the full 48315  
text of the same proposed rule or proposed rule in revised form in 48316  
electronic form with the secretary of state and the director of 48317  
the legislative service commission. A state board, commission, 48318  
department, division, or bureau shall file the rule summary and 48319  
fiscal analysis prepared under section 106.024 of the Revised Code 48320  
in electronic form along with a proposed rule or proposed rule in 48321  
revised form that is filed with the secretary of state or the 48322  
director of the legislative service commission. 48323

**Sec. 140.01.** As used in this chapter: 48324

(A) "Hospital agency" means any public hospital agency or any 48325  
nonprofit hospital agency. 48326

(B) "Public hospital agency" means any county, board of 48327  
county hospital trustees established pursuant to section 339.02 of 48328  
the Revised Code, county hospital commission established pursuant 48329  
to section 339.14 of the Revised Code, municipal corporation, new 48330  
community authority organized under Chapter 349. of the Revised 48331  
Code, joint township hospital district, state or municipal 48332  
university or college operating or authorized to operate a 48333  
hospital facility, or the state. 48334

(C) "Nonprofit hospital agency" means a corporation or 48335  
association not for profit, no part of the net earnings of which 48336  
inures or may lawfully inure to the benefit of any private 48337  
shareholder or individual, that has authority to own or operate a 48338  
hospital facility or provides or is to provide services to one or 48339  
more other hospital agencies. 48340

(D) "Governing body" means, in the case of a county, the 48341  
board of county commissioners or other legislative body; in the 48342  
case of a board of county hospital trustees, the board; in the 48343  
case of a county hospital commission, the commission; in the case 48344  
of a municipal corporation, the council or other legislative 48345  
authority; in the case of a new community authority, its board of 48346  
trustees; in the case of a joint township hospital district, the 48347  
joint township district hospital board; in the case of a state or 48348  
municipal university or college, its board of trustees or board of 48349  
directors; in the case of a nonprofit hospital agency, the board 48350  
of trustees or other body having general management of the agency; 48351  
and, in the case of the state, the director of development 48352  
~~services~~ or the Ohio higher educational facility commission. 48353

(E) "Hospital facilities" means buildings, structures and 48354  
other improvements, additions thereto and extensions thereof, 48355  
furnishings, equipment, and real estate and interests in real 48356  
estate, used or to be used for or in connection with one or more 48357  
hospitals, emergency, intensive, intermediate, extended, 48358  
long-term, or self-care facilities, diagnostic and treatment and 48359  
out-patient facilities, facilities related to programs for home 48360  
health services, clinics, laboratories, public health centers, 48361  
research facilities, and rehabilitation facilities, for or 48362  
pertaining to diagnosis, treatment, care, or rehabilitation of 48363  
sick, ill, injured, infirm, impaired, disabled, or handicapped 48364  
persons, or the prevention, detection, and control of disease, and 48365  
also includes education, training, and food service facilities for 48366

health professions personnel, housing facilities for such 48367  
personnel and their families, and parking and service facilities 48368  
in connection with any of the foregoing; and includes any one, 48369  
part of, or any combination of the foregoing; and further includes 48370  
site improvements, utilities, machinery, facilities, furnishings, 48371  
and any separate or connected buildings, structures, improvements, 48372  
sites, utilities, facilities, or equipment to be used in, or in 48373  
connection with the operation or maintenance of, or supplementing 48374  
or otherwise related to the services or facilities to be provided 48375  
by, any one or more of such hospital facilities. 48376

(F) "Costs of hospital facilities" means the costs of 48377  
acquiring hospital facilities or interests in hospital facilities, 48378  
including membership interests in nonprofit hospital agencies, 48379  
costs of constructing hospital facilities, costs of improving one 48380  
or more hospital facilities, including reconstructing, 48381  
rehabilitating, remodeling, renovating, and enlarging, costs of 48382  
equipping and furnishing such facilities, and all financing costs 48383  
pertaining thereto, including, without limitation thereto, costs 48384  
of engineering, architectural, and other professional services, 48385  
designs, plans, specifications and surveys, and estimates of cost, 48386  
costs of tests and inspections, the costs of any indemnity or 48387  
surety bonds and premiums on insurance, all related direct or 48388  
allocable administrative expenses pertaining thereto, fees and 48389  
expenses of trustees, depositories, and paying agents for the 48390  
obligations, cost of issuance of the obligations and financing 48391  
charges and fees and expenses of financial advisors, attorneys, 48392  
accountants, consultants and rating services in connection 48393  
therewith, capitalized interest on the obligations, amounts 48394  
necessary to establish reserves as required by the bond 48395  
proceedings, the reimbursement of all moneys advanced or applied 48396  
by the hospital agency or others or borrowed from others for the 48397  
payment of any item or items of costs of such facilities, and all 48398  
other expenses necessary or incident to planning or determining 48399

feasibility or practicability with respect to such facilities, and 48400  
such other expenses as may be necessary or incident to the 48401  
acquisition, construction, reconstruction, rehabilitation, 48402  
remodeling, renovation, enlargement, improvement, equipment, and 48403  
furnishing of such facilities, the financing thereof, and the 48404  
placing of the same in use and operation, including any one, part 48405  
of, or combination of such classes of costs and expenses, and 48406  
means the costs of refinancing obligations issued by, or 48407  
reimbursement of money advanced by, nonprofit hospital agencies or 48408  
others the proceeds of which were used for the payment of costs of 48409  
hospital facilities, if the governing body of the public hospital 48410  
agency determines that the refinancing or reimbursement advances 48411  
the purposes of this chapter, whether or not the refinancing or 48412  
reimbursement is in conjunction with the acquisition or 48413  
construction of additional hospital facilities. 48414

(G) "Hospital receipts" means all moneys received by or on 48415  
behalf of a hospital agency from or in connection with the 48416  
ownership, operation, acquisition, construction, improvement, 48417  
equipping, or financing of any hospital facilities, including, 48418  
without limitation thereto, any rentals and other moneys received 48419  
from the lease, sale, or other disposition of hospital facilities, 48420  
and any gifts, grants, interest subsidies, or other moneys 48421  
received under any federal program for assistance in financing the 48422  
costs of hospital facilities, and any other gifts, grants, and 48423  
donations, and receipts therefrom, available for financing the 48424  
costs of hospital facilities. 48425

(H) "Obligations" means bonds, notes, or other evidences of 48426  
indebtedness or obligation, including interest coupons pertaining 48427  
thereto, issued or issuable by a public hospital agency to pay 48428  
costs of hospital facilities. 48429

(I) "Bond service charges" means principal, interest, and 48430  
call premium, if any, required to be paid on obligations. 48431

(J) "Bond proceedings" means one or more ordinances, 48432  
resolutions, trust agreements, indentures, and other agreements or 48433  
documents, and amendments and supplements to the foregoing, or any 48434  
combination thereof, authorizing or providing for the terms, 48435  
including any variable interest rates, and conditions applicable 48436  
to, or providing for the security of, obligations and the 48437  
provisions contained in such obligations. 48438

(K) "Nursing home" has the same meaning as in division (A)(1) 48439  
of section 5701.13 of the Revised Code. 48440

(L) "Residential care facility" has the same meaning as in 48441  
division (A)(2) of section 5701.13 of the Revised Code. 48442

(M) "Independent living facility" means any self-care 48443  
facility or other housing facility designed or used as a residence 48444  
for elderly persons. An "independent living facility" does not 48445  
include a residential facility, or that part of a residential 48446  
facility, that is any of the following: 48447

(1) A hospital ~~required to be certified by section 3727.02 of~~ 48448  
~~the Revised Code;~~ 48449

(2) A nursing home or residential care facility; 48450

(3) A facility operated by a hospice care program licensed 48451  
under section 3712.04 of the Revised Code and used for the 48452  
program's hospice patients; 48453

(4) A residential facility licensed by the department of 48454  
mental health and addiction services under section 5119.34 of the 48455  
Revised Code that provides accommodations, supervision, and 48456  
personal care services for three to sixteen unrelated adults; 48457

(5) A residential facility licensed by the department of 48458  
mental health and addiction services under section 5119.34 of the 48459  
Revised Code that is not a residential facility described in 48460  
division (M)(4) of this section; 48461

(6) A facility licensed to operate an opioid treatment program under section 5119.37 of the Revised Code; 48462  
48463

(7) A community addiction services provider, as defined in section 5119.01 of the Revised Code; 48464  
48465

(8) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code; 48466  
48467  
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(9) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital. 48470  
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~~Sec. 3701.07. (A) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code defining and classifying hospitals and dispensaries and providing for the reporting of information by hospitals and dispensaries. Except as otherwise provided in the Revised Code, the rules providing for the reporting of information shall not require inclusion of any confidential patient data or any information concerning the financial condition, income, expenses, or net worth of the facilities. The rules may require the reporting of information in the following categories:~~ 48473  
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~~(1) Information needed to identify and classify the institution;~~ 48483  
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~~(2) Information on facilities and type and volume of services provided by the institution;~~ 48485  
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~~(3) The number of beds listed by category of care provided;~~ 48487

~~(4) The number of licensed or certified professional employees by classification;~~ 48488  
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~~(5) The number of births that occurred at the institution the previous calendar year;~~ 48490  
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~~(6) Any other information that the director considers relevant to the safety of patients served by the institution.~~ 48492  
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~~Every hospital and dispensary, public or private, annually shall register with and report to the department of health. Reports shall be submitted in the manner prescribed in rules adopted under this division.~~ 48494  
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~~(B) Every governmental entity or private nonprofit corporation or association whose employees or representatives are defined as residents' rights advocates under divisions (E)(1) and (2) of section 3721.10 of the Revised Code shall register with the department of health on forms furnished by the director of health and shall provide such reasonable identifying information as the director may prescribe.~~ 48498  
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The department shall compile a list of the governmental entities, corporations, or associations registering under this division and shall update the list annually. Copies of the list shall be made available to nursing home administrators as defined in division (C) of section 3721.10 of the Revised Code. 48505  
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**Sec. 3701.351.** (A) The governing body of every hospital shall set standards and procedures to be applied by the hospital and its medical staff in considering and acting upon applications for staff membership or professional privileges. These standards and procedures shall be available for public inspection. 48510  
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(B) The governing body of any hospital, in considering and acting upon applications for staff membership or professional privileges within the scope of the applicants' respective licensures, shall not discriminate against a qualified person solely on the basis of whether that person is licensed to practice medicine, osteopathic medicine, or podiatry, is licensed to practice dentistry or psychology, or is licensed to practice nursing as an advanced practice registered nurse. Staff membership 48515  
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or professional privileges shall be considered and acted on in 48523  
accordance with standards and procedures established under 48524  
division (A) of this section. ~~This section does not permit a~~ 48525  
~~psychologist to admit a patient to a hospital in violation of~~ 48526  
~~section 3727.06 of the Revised Code.~~ 48527

(C) The governing body of any hospital that ~~is licensed to~~ 48528  
~~provide~~ provides maternity services, in considering and acting 48529  
upon applications for clinical privileges, shall not discriminate 48530  
against a qualified person solely on the basis that the person is 48531  
authorized to practice nurse-midwifery. An application from a 48532  
certified nurse-midwife who is not employed by the hospital shall 48533  
contain the name of a physician member of the hospital's medical 48534  
staff who holds clinical privileges in obstetrics at that hospital 48535  
and who has agreed to be the collaborating physician for the 48536  
applicant in accordance with section 4723.43 of the Revised Code. 48537

(D) Any person may apply to the court of common pleas for 48538  
temporary or permanent injunctions restraining a violation of 48539  
division (A), (B), or (C) of this section. This action is an 48540  
additional remedy not dependent on the adequacy of the remedy at 48541  
law. 48542

(E)(1) If a hospital does not provide or permit the provision 48543  
of any diagnostic or treatment service for mental or emotional 48544  
disorders or any other service that may be legally performed by a 48545  
psychologist licensed under Chapter 4732. of the Revised Code, 48546  
this section does not require the hospital to provide or permit 48547  
the provision of any such service and the hospital shall be exempt 48548  
from requirements of this section pertaining to psychologists. 48549

(2) This section does not impair the right of a hospital to 48550  
enter into an employment, personal service, or any other kind of 48551  
contract with a licensed psychologist, upon any such terms as the 48552  
parties may mutually agree, for the provision of any service that 48553  
may be legally performed by a licensed psychologist. 48554

Sec. 3701.503. As used in sections 3701.504 to 3701.509 of 48555  
the Revised Code: 48556

(A) "Parent" means either parent, unless the parents are 48557  
separated or divorced or their marriage has been dissolved or 48558  
annulled, in which case "parent" means the parent who is the 48559  
residential parent and legal custodian. 48560

(B) "Guardian" has the same meaning as in section 2111.01 of 48561  
the Revised Code. 48562

(C) "Custodian" means, except as used in division (A) of this 48563  
section, a government agency or an individual, other than the 48564  
parent or guardian, with legal or permanent custody of a child as 48565  
defined in section 2151.011 of the Revised Code. 48566

(D) "Hearing screening" means the identification of newborns 48567  
and infants who may have a hearing impairment, through the use of 48568  
a physiologic test. 48569

(E) "Hearing evaluation" means evaluation through the use of 48570  
audiological procedures by an audiologist or physician. 48571

(F) "Hearing impairment" means a loss of hearing in one or 48572  
both ears in the frequency region important for speech recognition 48573  
and comprehension. 48574

(G) "Newborn" means a child who is less than thirty days old. 48575

(H) "Infant" means a child who is at least thirty days but 48576  
less than twenty-four months old. 48577

(I) "Freestanding birthing center" ~~has the same meaning as in~~ 48578  
~~section 3702.141 of the Revised Code~~ means any facility in which 48579  
deliveries routinely occur, regardless of whether the facility is 48580  
located on the campus of another health care facility. 48581

(J) "Physician" means an individual authorized under Chapter 48582  
4731. of the Revised Code to practice medicine and surgery or 48583

osteopathic medicine and surgery. 48584

(K) "Audiologist" means an individual authorized under 48585  
section 4753.07 of the Revised Code to practice audiology. 48586

(L) "Hospital" means a hospital that has a maternity unit or 48587  
newborn nursery. 48588

(M) "Maternity unit" means any unit or place in a hospital 48589  
where women are regularly received and provided care during all or 48590  
part of the maternity cycle, except that "maternity unit" does not 48591  
include an emergency department or similar place dedicated to 48592  
providing emergency health care. 48593

(N) "Board of health" means the board of health of a city or 48594  
general health district or the authority having the duties of a 48595  
board of health under section 3709.05 of the Revised Code. 48596

**Sec. 3701.5010.** (A) As used in this section: 48597

(1) "Critical congenital heart defects screening" means the 48598  
identification of a newborn that may have a critical congenital 48599  
heart defect, through the use of a physiologic test. 48600

(2) "Freestanding birthing center" ~~has the same meaning as in~~ 48601  
~~section 3702.141 of the Revised Code~~ has the same meaning as in 48602  
section 3701.503 of the Revised Code. 48603

(3) "Hospital," "maternity unit," "newborn," and "physician" 48604  
have the same meanings as in section 3701.503 of the Revised Code. 48605

(4) "Pulse oximetry" means a noninvasive test that estimates 48606  
the percentage of hemoglobin in blood that is saturated with 48607  
oxygen. 48608

(B) Except as provided in division (C) of this section, each 48609  
hospital and each freestanding birthing center shall conduct a 48610  
critical congenital heart defects screening on each newborn born 48611  
in the hospital or center, unless the newborn is being transferred 48612

to another hospital. The screening shall be performed before 48613  
discharge. If the newborn is transferred to another hospital, that 48614  
hospital shall conduct the screening when determined to be 48615  
medically appropriate. The hospital or center shall promptly 48616  
notify the newborn's parent, guardian, or custodian and attending 48617  
physician of the screening results. 48618

(C) A hospital or freestanding birthing center shall not 48619  
conduct a critical congenital heart defects screening if the 48620  
newborn's parent objects on the grounds that the screening 48621  
conflicts with the parent's religious tenets and practices. 48622

(D)(1) The director of health shall adopt rules in accordance 48623  
with Chapter 119. of the Revised Code establishing standards and 48624  
procedures for the screening required by this section, including 48625  
all of the following: 48626

(a) Designating the person or persons responsible for causing 48627  
the screening to be performed; 48628

(b) Specifying screening equipment and methods; 48629

(c) Identifying when the screening should be performed; 48630

(d) Providing notice of the required screening to the 48631  
newborn's parent, guardian, or custodian; 48632

(e) Communicating screening results to the newborn's parent, 48633  
guardian, or custodian and attending physician; 48634

(f) Reporting screening results to the department of health; 48635

(g) Referring newborns that receive abnormal screening 48636  
results to providers of follow-up services. 48637

(2) In adopting rules under division (D)(1)(b) of this 48638  
section, the director shall specify screening equipment and 48639  
methods that include the use of pulse oximetry or other screening 48640  
equipment and methods that detect critical congenital heart 48641  
defects at least as accurately as pulse oximetry. The screening 48642

equipment and methods specified shall be consistent with 48643  
recommendations issued by nationally recognized organizations that 48644  
advocate on behalf of medical professionals or individuals with 48645  
cardiovascular conditions. 48646

**Sec. 3701.63.** (A) As used in this section and sections 48647  
3701.64, 3701.66, and 3701.67 of the Revised Code: 48648

(1) "Child day-care center," "type A family day-care home," 48649  
and "licensed type B family day-care home" have the same meanings 48650  
as in section 5104.01 of the Revised Code. 48651

(2) "Child care facility" means a child day-care center, a 48652  
type A family day-care home, or a licensed type B family day-care 48653  
home. 48654

(3) "Foster caregiver" has the same meaning as in section 48655  
5103.02 of the Revised Code. 48656

(4) "Freestanding birthing center" ~~has the same meaning as in~~ 48657  
~~section 3702.141 of the Revised Code~~ has the same meaning as in 48658  
section 3701.503 of the Revised Code. 48659

(5) "Hospital" ~~means a hospital classified pursuant to rules~~ 48660  
~~adopted under section 3701.07 of the Revised Code as a general~~ 48661  
~~hospital or children's hospital and~~ has the same meaning as in 48662  
section 3722.01 of the Revised Code to which either of the 48663  
following applies: 48664

(a) The hospital has a maternity unit. 48665

(b) The hospital receives for care infants who have been 48666  
transferred to it from other facilities and who have never been 48667  
discharged to their residences following birth. 48668

(6) "Infant" means a child who is less than one year of age. 48669

(7) "Maternity unit" means the distinct portion of a hospital 48670  
~~licensed as a maternity unit under Chapter 3711. of the Revised~~ 48671

<u>Code in which maternity services are provided.</u>	48672
(8) "Other person responsible for the infant" includes a foster caregiver.	48673 48674
(9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.	48675 48676 48677 48678 48679
(10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.	48680 48681 48682 48683 48684
(B) The director of health shall establish the shaken baby syndrome education program by doing all of the following:	48685 48686
(1) Developing educational materials that present readily comprehensible information on shaken baby syndrome;	48687 48688
(2) Making available on the department of health web site in an easily accessible format the educational materials developed under division (B)(1) of this section;	48689 48690 48691
(3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following:	48692 48693
(a) Evaluating the reports received pursuant to section 5101.135 of the Revised Code;	48694 48695
(b) Reviewing the content of the educational materials to determine if updates or improvements should be made;	48696 48697
(c) Reviewing the manner in which the educational materials are distributed, as described in section 3701.64 of the Revised Code, to determine if modifications to that manner should be made.	48698 48699 48700
(C) In meeting the requirements under division (B) of this	48701

section, the director shall develop educational materials that, to 48702  
the extent possible, minimize administrative or financial burdens 48703  
on any of the entities or persons listed in section 3701.64 of the 48704  
Revised Code. 48705

**Sec. 3701.69.** (A)(1) The department of health shall create a 48706  
Down syndrome information sheet that includes all of the 48707  
following: 48708

(a) A description of Down syndrome, including its causes, 48709  
effects on development, and potential complications; 48710

(b) Diagnostic tests; 48711

(c) Options for treatment and therapy; 48712

(d) Contact information for local, state, and national 48713  
organizations that provide Down syndrome educational and support 48714  
services and programs. 48715

(2) With respect to the medical information included in the 48716  
information sheet, the department shall include only information 48717  
that is current and based on medical evidence. 48718

(3) The department shall periodically review and update the 48719  
information sheet and shall make it available on the department's 48720  
internet web site. 48721

(B) If a patient under the care of any of the following 48722  
health care professionals or facilities receives either a test 48723  
result indicating Down syndrome or a prenatal or postnatal 48724  
diagnosis of Down syndrome, the health care professional or 48725  
facility shall provide to the patient or the patient's 48726  
representative a copy of the information sheet created under 48727  
division (A) of this section: 48728

(1) A physician authorized under Chapter 4731. of the Revised 48729  
Code to practice medicine and surgery or osteopathic medicine and 48730  
surgery; 48731

(2) A certified nurse-midwife who holds a certificate of authority issued under Chapter 4723. of the Revised Code; 48732  
48733

(3) A genetic counselor licensed under Chapter 4778. of the Revised Code; 48734  
48735

(4) A hospital ~~registered under section 3701.07 of the Revised Code~~ licensed under Chapter 3722. of the Revised Code that operates a maternity unit or newborn care nursery; 48736  
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48738

(5) A ~~maternity unit, newborn care nursery, or~~ maternity home licensed under Chapter 3711. of the Revised Code; 48739  
48740

(6) A freestanding birthing center licensed under section 3702.30 of the Revised Code. 48741  
48742

**Sec. 3701.83.** There is hereby created in the state treasury 48743  
the general operations fund. Moneys in the fund shall be used for 48744  
the purposes specified in sections 3701.04, 3701.344, ~~3702.20,~~ 48745  
3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 48746  
3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 48747  
4736.06, and 4769.09 of the Revised Code. 48748

**Sec. 3702.31.** (A) The quality monitoring and inspection fund 48749  
is hereby created in the state treasury. The director of health 48750  
shall use the fund to administer and enforce this section and 48751  
sections ~~3702.11 to 3702.20,~~ 3702.30, 3702.301, 3702.32, and 48752  
3702.33 of the Revised Code and rules adopted pursuant to those 48753  
sections. The director shall deposit in the fund any moneys 48754  
collected pursuant to this section or section 3702.32 of the 48755  
Revised Code. All investment earnings of the fund shall be 48756  
credited to the fund. 48757

(B) The director of health shall adopt rules pursuant to 48758  
Chapter 119. of the Revised Code establishing fees for both of the 48759  
following: 48760

(1) Initial and renewal license applications submitted under 48761  
section 3702.30 of the Revised Code. The fees established under 48762  
division (B)(1) of this section shall not exceed the actual and 48763  
necessary costs of performing the activities described in division 48764  
(A) of this section. 48765

(2) Inspections conducted under section ~~3702.15~~ or 3702.30 of 48766  
the Revised Code. The fees established under division (B)(2) of 48767  
this section shall not exceed the actual and necessary costs 48768  
incurred during an inspection, including any indirect costs 48769  
incurred by the department for staff, salary, or other 48770  
administrative costs. The director of health shall provide to each 48771  
health care facility or provider inspected pursuant to section 48772  
~~3702.15~~ or 3702.30 of the Revised Code a written statement of the 48773  
fee. The statement shall itemize and total the costs incurred. 48774  
Within fifteen days after receiving a statement from the director, 48775  
the facility or provider shall forward the total amount of the fee 48776  
to the director. 48777

(3) The fees described in divisions (B)(1) and (2) of this 48778  
section shall meet both of the following requirements: 48779

(a) ~~For each service described in section 3702.11 of the~~ 48780  
~~Revised Code, the fee shall not exceed one thousand seven hundred~~ 48781  
~~fifty dollars annually, except that the~~ The total fees charged to 48782  
a health care provider under this section shall not exceed five 48783  
thousand dollars annually. 48784

(b) The fee shall exclude any costs reimbursable by the 48785  
United States centers for medicare and medicaid services as part 48786  
of the certification process for the medicare program established 48787  
under Title XVIII of the "Social Security Act," 79 Stat. 286 48788  
(1935), 42 U.S.C.A. 1395, as amended, and the medicaid program 48789  
established under Title XIX of the "Social Security Act," 79 Stat. 48790  
286 (1965), 42 U.S.C. 1396. 48791

(4) The director shall not establish a fee for any service 48792  
for which a licensure or inspection fee is paid by the health care 48793  
provider to a state agency for the same or similar licensure or 48794  
inspection. 48795

**Sec. 3702.51.** As used in sections 3702.51 to 3702.62 of the 48796  
Revised Code: 48797

(A) "Applicant" means any person that submits an application 48798  
for a certificate of need and who is designated in the application 48799  
as the applicant. 48800

(B) "Person" means any individual, corporation, business 48801  
trust, estate, firm, partnership, association, joint stock 48802  
company, insurance company, government unit, or other entity. 48803

(C) "Certificate of need" means a written approval granted by 48804  
the director of health to an applicant to authorize conducting a 48805  
reviewable activity. 48806

(D) "Service area" means the current and projected primary 48807  
and secondary service areas to which the long-term care facility 48808  
is, or will be, providing long-term care services. 48809

(E) "Primary service area" means the geographic region, 48810  
usually comprised of the Ohio zip code in which the long-term care 48811  
facility is located and contiguous zip codes, from which 48812  
approximately seventy-five to eighty per cent of the facility's 48813  
residents currently originate or are expected to originate. 48814

(F) "Secondary service area" means the geographic region, 48815  
usually comprised of Ohio zip codes not included in the primary 48816  
service area, excluding isolated exceptions, from which the 48817  
facility's remaining residents currently originate or are expected 48818  
to originate. 48819

(G) "Third-party payer" means a health insuring corporation 48820  
licensed under Chapter 1751. of the Revised Code, a health 48821

maintenance organization as defined in division (I) of this 48822  
section, an insurance company that issues sickness and accident 48823  
insurance in conformity with Chapter 3923. of the Revised Code, a 48824  
state-financed health insurance program under Chapter 3701. or 48825  
4123. of the Revised Code, the medicaid program, or any 48826  
self-insurance plan. 48827

(H) "Government unit" means the state and any county, 48828  
municipal corporation, township, or other political subdivision of 48829  
the state, or any department, division, board, or other agency of 48830  
the state or a political subdivision. 48831

(I) "Health maintenance organization" means a public or 48832  
private organization organized under the law of any state that is 48833  
qualified under section 1310(d) of Title XIII of the "Public 48834  
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 48835

(J) "Existing long-term care facility" means either of the 48836  
following: 48837

(1) A long-term care facility that is licensed or otherwise 48838  
authorized to operate in this state in accordance with applicable 48839  
law, including a county home or a county nursing home that is 48840  
certified under Title XVIII or Title XIX of the "Social Security 48841  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed 48842  
and equipped to provide long-term care services, and is actively 48843  
providing long-term care services; 48844

(2) A long-term care facility that is licensed or otherwise 48845  
authorized to operate in this state in accordance with applicable 48846  
law, including a county home or a county nursing home that is 48847  
certified under Title XVIII or Title XIX of the "Social Security 48848  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has 48849  
beds ~~registered under section 3701.07~~ reported in an application 48850  
submitted under section 3722.03 of the Revised Code as skilled 48851  
nursing beds or long-term care beds and has provided long-term 48852

care services for at least three hundred sixty-five consecutive 48853  
days within the twenty-four months immediately preceding the date 48854  
a certificate of need application is filed with the director of 48855  
health. 48856

(K) "State" means the state of Ohio, including, but not 48857  
limited to, the general assembly, the supreme court, the offices 48858  
of all elected state officers, and all departments, boards, 48859  
offices, commissions, agencies, institutions, and other 48860  
instrumentalities of the state of Ohio. "State" does not include 48861  
political subdivisions. 48862

(L) "Political subdivision" means a municipal corporation, 48863  
township, county, school district, and all other bodies corporate 48864  
and politic responsible for governmental activities only in 48865  
geographic areas smaller than that of the state to which the 48866  
sovereign immunity of the state attaches. 48867

(M) "Affected person" means: 48868

(1) An applicant for a certificate of need, including an 48869  
applicant whose application was reviewed comparatively with the 48870  
application in question; 48871

(2) The person that requested the reviewability ruling in 48872  
question; 48873

(3) Any person that resides or regularly uses long-term care 48874  
facilities within the service area served or to be served by the 48875  
long-term care services that would be provided under the 48876  
certificate of need or reviewability ruling in question; 48877

(4) Any long-term care facility that is located in the 48878  
service area where the long-term care services would be provided 48879  
under the certificate of need or reviewability ruling in question; 48880

(5) Third-party payers that reimburse long-term care 48881  
facilities for services in the service area where the long-term 48882

care services would be provided under the certificate of need or 48883  
reviewability ruling in question. 48884

(N) "Long-term care facility" means, except as provided in 48885  
section 3702.594 of the Revised Code, any of the following: 48886

(1) A nursing home licensed under section 3721.02 of the 48887  
Revised Code or by a political subdivision certified under section 48888  
3721.09 of the Revised Code; 48889

(2) The portion of any facility, including a county home or 48890  
county nursing home, that is certified as a skilled nursing 48891  
facility or a nursing facility under Title XVIII or XIX of the 48892  
"Social Security Act"; 48893

(3) The portion of any hospital that contains beds ~~registered~~ 48894  
~~under section 3701.07 reported in an application submitted under~~ 48895  
section 3722.03 of the Revised Code as skilled nursing beds or 48896  
long-term care beds. 48897

(O) "Long-term care bed" or "bed" means a bed that is 48898  
categorized as one of the following: 48899

(1) A bed that is located in a facility that is a nursing 48900  
home licensed under section 3721.02 of the Revised Code or a 48901  
facility licensed by a political subdivision certified under 48902  
section 3721.09 of the Revised Code and is included in the 48903  
authorized maximum licensed capacity of the facility; 48904

(2) A bed that is located in the portion of any facility, 48905  
including a county home or county nursing home, that is certified 48906  
as a skilled nursing facility under the medicare program or a 48907  
nursing facility under the medicaid program and is included in the 48908  
authorized maximum certified capacity of that portion of the 48909  
facility; 48910

(3) A bed that is ~~registered under section 3701.07 of the~~ 48911  
~~Revised Code~~ reported in an application submitted under section 48912

3722.03 of the Revised Code as a skilled nursing bed, a long-term care bed, or a special skilled nursing bed; 48913  
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(4) A bed in a county home or county nursing home that has been certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and is eligible for licensure as a nursing home bed; 48915  
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(5) A bed held as an approved bed under a certificate of need approved by the director. 48919  
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A bed cannot simultaneously be both a bed described in division (O)(1), (2), (3), or (4) of this section and a bed described in division (O)(5) of this section. 48921  
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(P) "Reviewability ruling" means a ruling issued by the director of health under division (A) of section 3702.52 of the Revised Code as to whether a particular proposed project is or is not a reviewable activity. 48924  
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(Q) "County nursing home" has the same meaning as in section 5155.31 of the Revised Code. 48928  
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(R) "Principal participant" means both of the following: 48930

(1) A person who has an ownership or controlling interest of at least five per cent in an applicant, in a long-term care facility that is the subject of an application for a certificate of need, or in the owner or operator of the applicant or such a facility; 48931  
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(2) An officer, director, trustee, or general partner of an applicant, of a long-term care facility that is the subject of an application for a certificate of need, or of the owner or operator of the applicant or such a facility. 48936  
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(S) "Actual harm but not immediate jeopardy deficiency" means a deficiency that, under 42 C.F.R. 488.404, either constitutes a pattern of deficiencies resulting in actual harm that is not 48940  
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immediate jeopardy or represents widespread deficiencies resulting 48943  
in actual harm that is not immediate jeopardy. 48944

(T) "Immediate jeopardy deficiency" means a deficiency that, 48945  
under 42 C.F.R. 488.404, either constitutes a pattern of 48946  
deficiencies resulting in immediate jeopardy to resident health or 48947  
safety or represents widespread deficiencies resulting in 48948  
immediate jeopardy to resident health or safety. 48949

(U) "Existing bed" or "existing long-term care bed" means a 48950  
bed from an existing long-term care facility, a bed described in 48951  
division (O)(5) of this section, or a bed correctly reported as a 48952  
long-term care bed pursuant to section 5155.38 of the Revised 48953  
Code. 48954

**Sec. 3702.52.** The director of health shall administer a state 48955  
certificate of need program in accordance with sections 3702.51 to 48956  
3702.62 of the Revised Code and rules adopted under those 48957  
sections. Administration of the program shall include both a 48958  
standard review process and an expedited review process. 48959

(A) The director shall issue rulings on whether a particular 48960  
proposed project is a reviewable activity. The director shall 48961  
issue a ruling not later than forty-five days after receiving a 48962  
request for a ruling accompanied by the information needed to make 48963  
the ruling, except that if an expedited review is requested, the 48964  
ruling shall be issued not later than thirty days after receiving 48965  
the request for a ruling accompanied by the information needed to 48966  
make the ruling. If the director does not issue a ruling in the 48967  
required time, the project shall be considered to have been ruled 48968  
not a reviewable activity. 48969

(B)(1) Each application for a certificate of need shall be 48970  
submitted to the director on forms and in the manner prescribed by 48971  
the director. An application for which expedited review is 48972  
requested must meet the same requirements as all other 48973

applications. 48974

Each application shall include a plan for obligating the 48975  
capital expenditures or implementing the proposed project on a 48976  
timely basis in accordance with section 3702.524 of the Revised 48977  
Code. Each application shall also include all other information 48978  
required by rules adopted under division (B) of section 3702.57 of 48979  
the Revised Code. 48980

(2) Each application shall be accompanied by the application 48981  
fee established in rules adopted under division (G) of section 48982  
3702.57 of the Revised Code. Application fees received by the 48983  
director under this division shall be deposited into the state 48984  
treasury to the credit of the certificate of need fund, which is 48985  
hereby created. The director shall use the fund only to pay the 48986  
costs of administering sections ~~3702.11 to 3702.20~~, 3702.30, and 48987  
3702.51 to 3702.62 of the Revised Code and rules adopted under 48988  
those sections. An application fee is nonrefundable unless the 48989  
director determines that the application cannot be accepted. 48990

(3) The director shall review applications for certificates 48991  
of need. As part of a review, the director shall determine whether 48992  
an application is complete. The director shall not consider an 48993  
application to be complete unless the application meets all 48994  
criteria for a complete application specified in rules adopted 48995  
under section 3702.57 of the Revised Code. For an application 48996  
being considered under the standard review process, the director 48997  
shall mail to the applicant a written notice that the application 48998  
is complete, or a written request for additional information, not 48999  
later than thirty days after receiving an application or a 49000  
response to an earlier request for information. For an application 49001  
for which expedited review is requested, the director's notice or 49002  
request shall be mailed not later than fourteen days after the 49003  
director receives the application or a response to an earlier 49004  
request for information. Except as provided in section 3702.522 of 49005

the Revised Code, the director shall not make more than two 49006  
requests for additional information. For either the standard or 49007  
expedited review process, the director shall make a final 49008  
determination regarding an application's completeness and issue a 49009  
notice of the determination not later than one hundred eighty days 49010  
after the date the director received the initial application. 49011

The director's determination that an application is not 49012  
complete is final and not subject to appeal. 49013

(4) Except as necessary to comply with a subpoena issued 49014  
under division (F) of this section, after a notice of completeness 49015  
has been received, no person shall make revisions to information 49016  
that was submitted to the director before the director mailed the 49017  
notice of completeness or knowingly discuss in person or by 49018  
telephone the merits of the application with the director. A 49019  
person may supplement an application after a notice of 49020  
completeness has been received by submitting clarifying 49021  
information to the director. 49022

(C) All of the following apply to the process of granting or 49023  
denying a certificate of need: 49024

(1) If the project proposed in a certificate of need 49025  
application meets all of the applicable certificate of need 49026  
criteria for approval under sections 3702.51 to 3702.62 of the 49027  
Revised Code and the rules adopted under those sections, the 49028  
director shall grant a certificate of need for all or part of the 49029  
project that is the subject of the application by the applicable 49030  
deadline specified in division (C)(4) of this section or any 49031  
extension of it under division (C)(5) of this section. 49032

(2) The director's grant of a certificate of need does not 49033  
affect, and sets no precedent for, the director's decision to 49034  
grant or deny other applications for similar reviewable 49035  
activities. 49036

(3) Any affected person may submit written comments regarding 49037  
an application. The director shall consider all written comments 49038  
received by the forty-fifth day after the application is submitted 49039  
to the director, except that to be considered in an expedited 49040  
review, written comments must be received by the twenty-first day 49041  
after the application is submitted. 49042

(4) Except as provided in division (C)(5) of this section, 49043  
the director shall grant or deny certificate of need applications 49044  
not later than sixty days after mailing the notice of completeness 49045  
unless the application is receiving expedited review. If the 49046  
application is receiving expedited review, the director shall 49047  
grant or deny the application not later than forty-five days after 49048  
mailing the notice of completeness. 49049

(5) Except as provided in division (C)(6) of this section, 49050  
the director or the applicant may extend the deadline prescribed 49051  
in division (C)(4) of this section once, for no longer than thirty 49052  
days, by written notice before the end of the deadline prescribed 49053  
by division (C)(4) of this section. An extension by the director 49054  
under division (C)(5) of this section shall apply to all 49055  
applications that are in comparative review. 49056

(6) No applicant in a comparative review may extend the 49057  
deadline specified in division (C)(4) of this section. 49058

(7) If the director does not grant or deny the certificate by 49059  
the applicable deadline specified in division (C)(4) of this 49060  
section or any extension of it under division (C)(5) of this 49061  
section, the certificate shall be considered to have been granted. 49062

(8) In granting a certificate of need, the director shall 49063  
specify as the maximum capital expenditure the certificate holder 49064  
may obligate under the certificate a figure equal to one hundred 49065  
ten per cent of the approved project cost. 49066

(9) In granting a certificate of need, the director may grant 49067

the certificate with conditions that must be met by the holder of 49068  
the certificate. 49069

(D) When a certificate of need is granted for a project under 49070  
which beds are to be relocated, upon completion of the project for 49071  
which the certificate of need was granted a number of beds equal 49072  
to the number of beds relocated shall cease to be operated in the 49073  
long-term care facility from which they are relocated, except that 49074  
the beds may continue to be operated for not more than fifteen 49075  
days to allow relocation of residents to the facility to which the 49076  
beds have been relocated. Notwithstanding section 3721.03 of the 49077  
Revised Code, if the relocated beds are in a home licensed under 49078  
Chapter 3721. of the Revised Code, the facility's license is 49079  
automatically reduced by the number of beds relocated effective 49080  
fifteen days after the beds are relocated. If the beds are in a 49081  
facility that is certified as a skilled nursing facility or 49082  
nursing facility under Title XVIII or XIX of the "Social Security 49083  
Act," the certification for the beds shall be surrendered. If the 49084  
beds are ~~registered under section 3701.07~~ reported in an 49085  
application submitted under section 3722.03 of the Revised Code as 49086  
skilled nursing beds or long-term care beds, the director shall 49087  
remove the beds from registration not later than fifteen days 49088  
after the beds are relocated. 49089

(E) During the period beginning with the granting of a 49090  
certificate of need and ending five years after implementation of 49091  
the reviewable activity for which the certificate was granted, the 49092  
director shall monitor the activities of the person granted the 49093  
certificate to determine whether the reviewable activity is 49094  
conducted in substantial accordance with the certificate. A 49095  
reviewable activity shall not be determined to be not in 49096  
substantial accordance with the certificate of need solely because 49097  
of either of the following: 49098

(1) A decrease in bed capacity; 49099

(2) A change in the owner or operator of the facility unless 49100  
any of the circumstances specified in division (B) of section 49101  
3702.59 of the Revised Code apply to the new owner or operator. 49102

(F) When reviewing applications for certificates of need, 49103  
considering appeals under section 3702.60 of the Revised Code, or 49104  
monitoring activities of persons granted certificates of need, the 49105  
director may issue and enforce, in the manner provided in section 49106  
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 49107  
compel a person to testify and produce documents relevant to 49108  
review of the application, consideration of the appeal, or 49109  
monitoring of the activities. In addition, the director or the 49110  
director's designee may visit the sites where the activities are 49111  
or will be conducted. 49112

(G) The director may withdraw certificates of need. 49113

(H) All long-term care facilities shall submit to the 49114  
director, upon request, any information prescribed by rules 49115  
adopted under division (H) of section 3702.57 of the Revised Code 49116  
that is necessary to conduct reviews of certificate of need 49117  
applications and to develop criteria for reviews. 49118

(I) Any decision to grant or deny a certificate of need shall 49119  
consider the special needs and circumstances resulting from moral 49120  
and ethical values and the free exercise of religious rights of 49121  
long-term care facilities administered by religious organizations, 49122  
and the special needs and circumstances of inner city and rural 49123  
communities. 49124

**Sec. 3702.521.** (A) Reviews of applications for certificates 49125  
of need to recategorize hospital beds to skilled nursing beds 49126  
shall be conducted in accordance with this division and rules 49127  
adopted by the director of health. 49128

(1) No hospital recategorizing beds shall apply for a 49129

certificate of need for more than twenty skilled nursing beds. 49130

(2) No beds for which a certificate of need is requested 49131  
under this division shall be reviewed under or counted in any 49132  
formula developed under rules adopted by the director for the 49133  
purpose of determining the number of long-term care beds that may 49134  
be needed within the state. 49135

(3) No beds shall be approved under this division unless the 49136  
hospital certifies and demonstrates in the application that the 49137  
beds will be dedicated to patients with a length of stay of no 49138  
more than thirty days. 49139

(4) No beds shall be approved under this division unless the 49140  
hospital can satisfactorily demonstrate in the application that it 49141  
is routinely unable to place the patients planned for the beds in 49142  
accessible skilled nursing facilities. 49143

(5) In developing rules to implement this division, the 49144  
director shall give special attention to the required 49145  
documentation of the need for such beds, including the efforts 49146  
made by the hospital to place patients in suitable skilled nursing 49147  
facilities, and special attention to the appropriate size of units 49148  
with such beds given the historical pattern of the applicant 49149  
hospital's documented difficulty in placing skilled nursing 49150  
patients. 49151

(B) For assistance in monitoring the use of hospital beds 49152  
recategorized as skilled nursing beds after August 5, 1989, the 49153  
director shall adopt rules specifying appropriate quarterly 49154  
procedures for reporting to the department of health. 49155

(C) A patient may stay in a hospital bed that, after August 49156  
5, 1989, has been recategorized as a skilled nursing bed for more 49157  
than thirty days if the hospital is able to demonstrate that it 49158  
made a good faith effort to place the patient in an accessible 49159  
skilled nursing facility acceptable to the patient within the 49160

thirty-day period, but was unable to do so. 49161

(D) No hospital bed recategorized after August 5, 1989, as a 49162  
skilled nursing bed shall be covered by a provider agreement under 49163  
the medicaid program. 49164

(E) Nothing in this section requires a hospital to place a 49165  
patient in any nursing home if the patient does not wish to be 49166  
placed in the nursing home. Nothing in this section limits the 49167  
ability of a hospital to file a certificate of need application 49168  
for the addition of long-term care beds that meet the definition 49169  
of "home" in section 3721.01 of the Revised Code. Nothing in this 49170  
section limits the ability of the director to grant certificates 49171  
of need necessary for hospitals to engage in demonstration 49172  
projects authorized by the federal government for the purpose of 49173  
enhancing long-term quality of care and cost containment. Nothing 49174  
in this section limits the ability of hospitals to develop swing 49175  
bed programs in accordance with federal regulations. 49176

No hospital that is granted a certificate of need after 49177  
August 5, 1989, to recategorize hospital beds as skilled nursing 49178  
beds is subject to sections 3721.01 to 3721.09 of the Revised 49179  
Code. If the portion of the hospital in which the recategorized 49180  
beds are located is certified as a skilled nursing facility under 49181  
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 49182  
U.S.C.A. 301, as amended, that portion of the hospital is subject 49183  
to sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of 49184  
the Revised Code. If the beds are ~~registered pursuant to section~~ 49185  
3701.07 of the Revised Code reported in an application submitted 49186  
under section 3722.03 of the Revised Code as long-term care beds, 49187  
the beds are subject to sections 5168.40 to 5168.56 of the Revised 49188  
Code. 49189

**Sec. 3702.55.** A person that the director of health determines 49190  
has violated section 3702.53 of the Revised Code shall cease 49191

conducting the activity that constitutes the violation or 49192  
utilizing the facility resulting from the violation not later than 49193  
thirty days after the person receives the notice mailed under 49194  
section 3702.532 of the Revised Code or, if the person appeals the 49195  
director's determination under section 3702.60 of the Revised 49196  
Code, thirty days after the person receives an order upholding the 49197  
director's determination that is not subject to further appeal. 49198

If any person determined to have violated section 3702.53 of 49199  
the Revised Code fails to cease conducting an activity or using a 49200  
facility as required by this section or if the person continues to 49201  
seek payment or reimbursement for services rendered or costs 49202  
incurred in conducting the activity as prohibited by section 49203  
3702.56 of the Revised Code, in addition to the penalties imposed 49204  
under section 3702.54 or 3702.541 of the Revised Code: 49205

~~(A) The director of health may refuse to include any beds 49206  
involved in the activity in the bed capacity of a hospital for 49207  
purposes of registration under section 3701.07 of the Revised 49208  
Code; 49209~~

~~(B) The director of health may refuse to license, or may 49210  
revoke a license or reduce bed capacity previously granted to, a 49211  
hospice care program under section 3712.04 of the Revised Code; a 49212  
nursing home, residential care facility, or home for the aging 49213  
under section 3721.02 of the Revised Code; or any beds within any 49214  
of those facilities that are involved in the activity; 49215~~

~~(C)~~(B) A political subdivision certified under section 49216  
3721.09 of the Revised Code may refuse to license, or may revoke a 49217  
license or reduce bed capacity previously granted to, a nursing 49218  
home, residential care facility, or home for the aging, or any 49219  
beds within any of those facilities that are involved in the 49220  
activity; 49221

~~(D)~~(C) The director of mental health and addiction services 49222

may refuse to license under section 5119.33 of the Revised Code, 49223  
or may revoke a license or reduce bed capacity previously granted 49224  
to, a hospital receiving mentally ill persons or beds within such 49225  
a hospital that are involved in the activity; 49226

~~(E)~~(D) The department of medicaid may refuse to enter into a 49227  
provider agreement that includes a facility, beds, or services 49228  
that result from the activity. 49229

**Sec. 3702.592.** (A) The director of health shall accept, for 49230  
review under section 3702.52 of the Revised Code, certificate of 49231  
need applications for any of the following purposes if the 49232  
proposed increase in beds is attributable to a replacement or 49233  
relocation of existing beds from an existing long-term care 49234  
facility within the same county: 49235

(1) Approval of beds in a new long-term care facility or an 49236  
increase of beds in an existing long-term care facility if the 49237  
beds are proposed to be licensed as nursing home beds under 49238  
Chapter 3721. of the Revised Code; 49239

(2) Approval of beds in a new county home or new county 49240  
nursing home, or an increase of beds in an existing county home or 49241  
existing county nursing home if the beds are proposed to be 49242  
certified as skilled nursing facility beds under the medicare 49243  
program, Title XVIII of the "Social Security Act," 49 Stat. 286 49244  
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 49245  
the medicaid program, Title XIX of the "Social Security Act," 49 49246  
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 49247

(3) An increase of hospital beds ~~registered pursuant to~~ 49248  
~~section 3701.07 of the Revised Code~~ reported in an application 49249  
submitted under section 3722.03 of the Revised Code as long-term 49250  
care beds; 49251

(4) An increase of hospital beds ~~registered pursuant to~~ 49252

~~section 3701.07 of the Revised Code reported in an application~~ 49253  
~~submitted under section 3722.03 of the Revised Code~~ as special 49254  
skilled nursing beds that were originally authorized by and are 49255  
operated in accordance with section 3702.521 of the Revised Code. 49256

(B) The director shall accept applications described in 49257  
division (A) of this section at any time. 49258

**Sec. 3702.593.** (A) At the times specified in this section, 49259  
the director of health shall accept, for review under section 49260  
3702.52 of the Revised Code, certificate of need applications for 49261  
any of the following purposes if the proposed increase in beds is 49262  
attributable solely to relocation of existing beds from an 49263  
existing long-term care facility in a county with excess beds to a 49264  
long-term care facility in a county in which there are fewer 49265  
long-term care beds than the county's bed need: 49266

(1) Approval of beds in a new long-term care facility or an 49267  
increase of beds in an existing long-term care facility if the 49268  
beds are proposed to be licensed as nursing home beds under 49269  
Chapter 3721. of the Revised Code; 49270

(2) Approval of beds in a new county home or new county 49271  
nursing home, or an increase of beds in an existing county home or 49272  
existing county nursing home if the beds are proposed to be 49273  
certified as skilled nursing facility beds under the medicare 49274  
program, Title XVIII of the "Social Security Act," 49 Stat. 286 49275  
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 49276  
the medicaid program, Title XIX of the "Social Security Act," 49 49277  
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 49278

(3) An increase of hospital beds ~~registered pursuant to~~ 49279  
~~section 3701.07 of the Revised Code reported in an application~~ 49280  
~~submitted under section 3722.03 of the Revised Code~~ as long-term 49281  
care beds. 49282

(B) For the purpose of implementing this section, the director shall do all of the following:

(1) Not later than October 1, 2023, and every four years thereafter, determine the long-term care bed supply for each county, which shall consist of all of the following:

(a) Nursing home beds licensed under Chapter 3721. of the Revised Code;

(b) Beds certified as skilled nursing facility beds under the medicare program or nursing facility beds under the medicaid program;

(c) Beds in any portion of a hospital that are properly ~~registered under section 3701.07~~ reported in an application submitted under section 3722.03 of the Revised Code as skilled nursing beds, long-term care beds, or special skilled nursing beds;

(d) Beds in a county home or county nursing home that are certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and are eligible for licensure as nursing home beds;

(e) Beds described in division (O)(5) of section 3702.51 of the Revised Code.

(2) Determine the long-term care bed occupancy rate for the state at the time the determination is made;

(3) For each county, determine the county's bed need by identifying the number of long-term care beds that would be needed in the county in order for the statewide occupancy rate for a projected population aged sixty-five and older to be ninety per cent.

In determining each county's bed need, the director shall use the formula developed in rules adopted under section 3702.57 of

the Revised Code. A determination shall be made not later than 49313  
October 1, 2023, and every four years thereafter. After each 49314  
determination is made, the director shall publish the county's bed 49315  
need on the web site maintained by the department of health. 49316

(C) The director's consideration of an application for a 49317  
certificate of need that would increase the number of beds in a 49318  
county shall be consistent with the county's bed need determined 49319  
under division (B) of this section except as follows: 49320

(1) If a county's occupancy rate is less than eighty-five per 49321  
cent, the county shall be considered to have no need for 49322  
additional beds. 49323

(2) Even if a county is determined not to need any additional 49324  
long-term care beds, the director may approve an increase in beds 49325  
equal to up to ten per cent of the county's bed supply if the 49326  
county's occupancy rate is greater than ninety per cent. 49327

(D)(1) For the review process used in considering certificate 49328  
of need applications, the director shall establish a review period 49329  
that begins January 1, 2020, and ends December 31, 2023. 49330  
Thereafter, the review period for each review process shall begin 49331  
on the first day of January following the end of the previous 49332  
review period and shall be four years. 49333

(2) Certificate of need applications shall be accepted during 49334  
the first month of the review period and reviewed through the 49335  
thirtieth day of September of the year in which the review period 49336  
begins. 49337

(E) The director shall consider certificate of need 49338  
applications in accordance with all of the following: 49339

(1) The number of beds approved for a county shall include 49340  
only beds available for relocation from another county and shall 49341  
not exceed the bed need of the receiving county; 49342

(2) The director shall consider the existence of community resources serving persons who are age sixty-five or older or disabled that are demonstrably effective in providing alternatives to long-term care facility placement.

(3) The director shall approve relocation of beds from a county only if, after the relocation, the number of beds remaining in the county will exceed the county's bed need by at least one hundred beds;

(4) The director shall approve relocation of beds from a long-term care facility only if, after the relocation, the number of beds in the facility's service area is at least equal to the state bed need rate. For purposes of this division, a facility's service area shall be either of the following:

(a) The census tract in which the facility is located, if the facility is located in an area designated by the United States secretary of health and human services as a health professional shortage area under the "Public Health Service Act," 88 Stat. 682 (1944), 42 U.S.C. 254(e), as amended;

(b) The area that is within a fifteen-mile radius of the facility's location, if the facility is not located in a health professional shortage area.

(F) Applications made under this section are subject to comparative review if two or more applications are submitted during the same review period and any of the following applies:

(1) The applications propose to relocate beds from the same county and the number of beds for which certificates of need are being requested totals more than the number of beds available in the county from which the beds are to be relocated.

(2) The applications propose to relocate beds to the same county and the number of beds for which certificates of need are being requested totals more than the number of beds needed in the

county to which the beds are to be relocated. 49374

(3) The applications propose to relocate beds from the same 49375  
service area and the number of beds left in the service area from 49376  
which the beds are being relocated would be less than the state 49377  
bed need rate determined by the director. 49378

(G) In determining which applicants should receive preference 49379  
in the comparative review process, the director shall consider all 49380  
of the following as weighted priorities: 49381

(1) Whether the beds will be part of a continuing care 49382  
retirement community; 49383

(2) Whether the beds will serve an underserved population, 49384  
such as low-income individuals, individuals with disabilities, or 49385  
individuals who are members of racial or ethnic minority groups; 49386

(3) Whether the project in which the beds will be included 49387  
will provide alternatives to institutional care, such as adult 49388  
day-care, home health care, respite or hospice care, mobile meals, 49389  
residential care, independent living, or congregate living 49390  
services; 49391

(4) Whether the long-term care facility's owner or operator 49392  
will participate in medicaid waiver programs for alternatives to 49393  
institutional care; 49394

(5) Whether the project in which the beds will be included 49395  
will reduce alternatives to institutional care by converting 49396  
residential care beds or other alternative care beds to long-term 49397  
care beds; 49398

(6) Whether the facility in which the beds will be placed has 49399  
positive resident and family satisfaction surveys; 49400

(7) Whether the facility in which the beds will be placed has 49401  
fewer than fifty long-term care beds; 49402

(8) Whether the long-term care facility in which the beds 49403

will be placed is located within the service area of a hospital 49404  
and is designed to accept patients for rehabilitation after an 49405  
in-patient hospital stay; 49406

(9) Whether the long-term care facility in which the beds 49407  
will be placed is or proposes to become a nurse aide training and 49408  
testing site; 49409

(10) The rating, under the centers for medicare and medicaid 49410  
services' five star nursing home quality rating system, of the 49411  
long-term care facility in which the beds will be placed. 49412

(H) A person who has submitted an application under this 49413  
section that is not subject to comparative review may revise the 49414  
site of the proposed project pursuant to section 3702.522 of the 49415  
Revised Code. 49416

(I) When a certificate of need application is approved, in 49417  
addition to the actions required by division (D) of section 49418  
3702.52 of the Revised Code, the long-term care facility from 49419  
which the beds were relocated shall reduce the number of beds 49420  
operated in the facility by a number of beds equal to at least ten 49421  
per cent of the number of beds relocated. If these beds are in a 49422  
home licensed under Chapter 3721. of the Revised Code, the 49423  
long-term care facility shall have the beds removed from the 49424  
license. If the beds are in a facility that is certified as a 49425  
skilled nursing facility or nursing facility under Title XVIII or 49426  
XIX of the "Social Security Act," the facility shall surrender the 49427  
certification of these beds. If the beds are ~~registered~~ reported 49428  
in an application submitted under section 3722.03 of the Revised 49429  
Code as skilled nursing beds or long-term care beds ~~under section~~ 49430  
~~3701.07 of the Revised Code~~, the long-term care facility shall 49431  
surrender the registration for these beds. This reduction shall be 49432  
made not later than the completion date of the project for which 49433  
the beds were relocated. 49434

Sec. 3705.30. (A) As used in this section: 49435

(1) "Freestanding birthing center" ~~has the same meaning as in~~ 49436  
~~section 3702.141 of the Revised Code~~ has the same meaning as in 49437  
section 3701.503 of the Revised Code. 49438

(2) "Hospital" ~~means a hospital classified under section~~ 49439  
~~3701.07 of the Revised Code as a general hospital or children's~~ 49440  
~~hospital~~ has the same meaning as in section 3722.01 of the Revised 49441  
Code. 49442

(3) "Physician" means an individual authorized under Chapter 49443  
4731. of the Revised Code to practice medicine and surgery or 49444  
osteopathic medicine and surgery. 49445

(B) The director of health shall establish and, if funds for 49446  
this purpose are available, implement a statewide birth defects 49447  
information system for the collection of information concerning 49448  
congenital anomalies, stillbirths, and abnormal conditions of 49449  
newborns. 49450

(C) If the system is implemented under division (B) of this 49451  
section, all of the following apply: 49452

(1) The director may require each physician, hospital, and 49453  
freestanding birthing center to report to the system information 49454  
concerning all patients under five years of age with a primary 49455  
diagnosis of a congenital anomaly or abnormal condition. The 49456  
director shall not require a hospital, freestanding birthing 49457  
center, or physician to report to the system any information that 49458  
is reported to the director or department of health under another 49459  
provision of the Revised Code or Administrative Code. 49460

(2) On request, each physician, hospital, and freestanding 49461  
birthing center shall give the director or authorized employees of 49462  
the department of health access to the medical records of any 49463  
patient described in division (C)(1) of this section. The 49464

department shall pay the costs of copying any medical records 49465  
pursuant to this division. 49466

(3) The director may review vital statistics records and 49467  
shall consider expanding the list of congenital anomalies and 49468  
abnormal conditions of newborns reported on birth certificates 49469  
pursuant to section 3705.08 of the Revised Code. 49470

(D) A physician, hospital, or freestanding birthing center 49471  
that provides information to the system under division (C) of this 49472  
section shall not be subject to criminal or civil liability for 49473  
providing the information. 49474

**Sec. 3705.41.** (A) As used in this section: 49475

(1) "~~Freestanding birthing center~~" ~~has the same meaning as in~~ 49476  
~~section 3702.141 of the Revised Code~~ has the same meaning as in 49477  
section 3701.503 of the Revised Code. 49478

(2) "Funeral services worker" means a person licensed as a 49479  
funeral director or embalmer under Chapter 4717. of the Revised 49480  
Code or an individual responsible for the direct final disposition 49481  
of a deceased person. 49482

(3) "~~Hospital~~" ~~means a hospital classified pursuant to rules~~ 49483  
~~adopted under section 3701.07 of the Revised Code as a general~~ 49484  
~~hospital or children's hospital and to which either of the~~ 49485  
~~following applies:~~ 49486

~~(a) The hospital has a maternity unit.~~ 49487

~~(b) The hospital receives for care infants who have been~~ 49488  
~~transferred to it from other facilities and who have never been~~ 49489  
~~discharged to their residences following birth~~ has the same 49490  
meaning as in section 3722.01 of the Revised Code. 49491

~~(4) "Maternity unit" means the distinct portion of a hospital~~ 49492  
~~licensed as a maternity unit under Chapter 3711. of the Revised~~ 49493  
~~Code.~~ 49494

(B) At least annually, the state registrar shall offer to provide training for appropriate staff of hospitals and freestanding birthing centers, as well as funeral services workers, on their responsibilities under the laws of this state and any rules adopted pursuant to those laws pertaining to vital records. If provided, the training shall cover correct data entry procedures and time limits for reporting vital statistics information for the purpose of ensuring accuracy and consistency of the system of vital statistics.

**Sec. 3711.01.** As used in this chapter:

(A) "Board of health" means a board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(B) "Maternity home" means a facility for pregnant girls and women where accommodations, medical care, and social services are provided during the prenatal and postpartal periods. "Maternity home" does not include a private residence where obstetric or newborn services are received by a resident of the home.

~~(C) "Maternity unit" means a distinct portion of a hospital in which inpatient care is provided to women during all or part of the maternity cycle.~~

~~(D) "Newborn care nursery" means a distinct portion of a hospital in which inpatient care is provided to infants. "Newborn care nursery" includes a distinct portion of a hospital in which intensive care is provided to infants.~~

**Sec. 3711.02.** (A) Except as provided in division (B) of this section, no person shall operate ~~any of the following~~, a maternity home unless the person holds the appropriate license issued under this chapter and the license is valid:

~~(1) A maternity unit;~~

~~(2) A newborn care nursery;~~ 49525

~~(3) A maternity home.~~ 49526

(B) Division (A) of this section does not apply to a health 49527  
care facility, as defined in section 3702.30 of the Revised Code. 49528

**Sec. 3711.04.** Each person seeking to operate a ~~maternity~~ 49529  
~~unit, newborn care nursery, or~~ maternity home shall apply to the 49530  
director of health for a license under this chapter. The 49531  
application shall be submitted in the form and manner prescribed 49532  
by the director in rules adopted under section 3711.12 of the 49533  
Revised Code. 49534

~~A single application and license is required if an applicant~~ 49535  
~~will operate both a maternity unit and newborn care nursery.~~ 49536

**Sec. 3711.05.** (A) The director of health shall review all 49537  
applications received under section 3711.04 of the Revised Code. 49538  
On receipt of a complete application, the director shall send a 49539  
copy of the application to the board of health of the city or 49540  
general health district in which the ~~maternity unit, newborn care~~ 49541  
~~nursery, or~~ maternity home is to be operated. 49542

Unless the board finds that an applicant is not in compliance 49543  
with an applicable health regulation adopted by the board, the 49544  
board shall approve the application. The board shall notify the 49545  
director of its determination to approve or disapprove the 49546  
application. If the board does not notify the director of its 49547  
determination by the end of the thirtieth day after the board 49548  
receives the copy of the application, the application is deemed to 49549  
have been approved by the board. 49550

(B) The director shall issue a license to an applicant if all 49551  
of the following requirements are met: 49552

(1) The board of health approves the application or the 49553

application is deemed to have been approved; 49554

(2) The applicant meets the standards specified in rules 49555  
adopted under section 3711.12 of the Revised Code; 49556

(3) The applicant passes the inspection required by section 49557  
3711.06 of the Revised Code. 49558

(C) On issuance of a license, the director shall notify the 49559  
board of health to which the application was sent under division 49560  
(A) of this section. In the notice, the director shall specify the 49561  
terms that apply to the license. 49562

**Sec. 3711.06.** The director of health shall inspect each 49563  
~~maternity unit, newborn care nursery, or~~ maternity home for which 49564  
a person has applied for an initial license under section 3711.04 49565  
of the Revised Code prior to issuing the license. Inspections 49566  
shall be conducted in accordance with inspection criteria, 49567  
procedures, and guidelines adopted by the director under section 49568  
3711.12 of the Revised Code. 49569

**Sec. 3711.10.** The director of health shall monitor compliance 49570  
with this chapter and the rules adopted under it. The director may 49571  
conduct inspections of a ~~maternity unit, newborn care nursery, or~~ 49572  
maternity home as necessary to adequately monitor compliance with 49573  
this chapter and the rules adopted under it. The inspections may 49574  
be scheduled or random. 49575

The board of health of the city or general health district in 49576  
which a ~~maternity unit, newborn care nursery, or~~ maternity home is 49577  
located may conduct inspections of the ~~unit, nursery, or~~ home as 49578  
necessary to adequately monitor compliance with any applicable 49579  
health regulation adopted by the board. The inspections may be 49580  
scheduled or random. 49581

**Sec. 3711.12.** (A) The director of health shall adopt rules in 49582

accordance with Chapter 119. of the Revised Code as the director 49583  
considers necessary to implement the requirements of this chapter 49584  
for licensure and operation of ~~maternity units, newborn care~~ 49585  
~~nurseries, and~~ maternity homes. The rules shall include provisions 49586  
for the following: 49587

(1) Licensure application forms and procedures; 49588

(2) Renewal procedures, including procedures that address the 49589  
right of the director of health, at the director's sole 49590  
discretion, to conduct an inspection prior to renewal of a 49591  
license; 49592

(3) Initial license fees and license renewal fees; 49593

(4) Fees for inspections conducted by the director under 49594  
section 3711.10 of the Revised Code; 49595

(5) Safety standards, quality-of-care standards, and 49596  
quality-of-care data reporting requirements; 49597

(6) Reporting and auditing requirements; 49598

(7) Inspection criteria, procedures, and guidelines; 49599

(8) Application forms to be used and procedures to be 49600  
followed in applying under section 3711.13 of the Revised Code for 49601  
a variance or waiver of any of the requirements of the rules 49602  
adopted under this section regarding the operation of a maternity 49603  
home; 49604

(9) Any other rules necessary to implement this chapter. 49605

(B) When adopting rules under this section, the director 49606  
shall give consideration to recommendations regarding obstetric 49607  
and newborn care issued by the American college of obstetricians 49608  
and gynecologists; American academy of pediatrics; American 49609  
academy of family physicians; American society of 49610  
anesthesiologists; American college of nurse-midwives; United 49611  
States centers for disease control and prevention; association of 49612

women's health, obstetric and neonatal nurses; and association of 49613  
perioperative registered nurses, or their successor organizations. 49614  
The director shall also consider the recommendations of the 49615  
maternity and newborn advisory council established in section 49616  
3711.20 of the Revised Code. 49617

**Sec. 3711.14.** (A) In accordance with Chapter 119. of the 49618  
Revised Code, the director of health may do any of the following: 49619

(1) Impose a civil penalty of not less than one thousand 49620  
dollars and not more than two hundred fifty thousand dollars on a 49621  
person who violates a provision of this chapter or the rules 49622  
adopted under it; 49623

(2) Summarily suspend, in accordance with division (B) of 49624  
this section, a license issued under this chapter if the director 49625  
believes there is clear and convincing evidence that the continued 49626  
operation of a ~~maternity unit, newborn care nursery, or~~ maternity 49627  
home presents a danger of immediate and serious harm to the 49628  
public; 49629

(3) Revoke a license issued under this chapter if the 49630  
director determines that a violation of a provision of this 49631  
chapter or the rules adopted under it has occurred in such a 49632  
manner as to pose an imminent threat of serious physical or 49633  
life-threatening danger. 49634

(B) If the director suspends a license under division (A)(2) 49635  
of this section, the director shall issue a written order of 49636  
suspension and cause it to be delivered by certified mail or in 49637  
person in accordance with section 119.07 of the Revised Code. The 49638  
order shall not be subject to suspension by the court while an 49639  
appeal filed under section 119.12 of the Revised Code is pending. 49640  
If the individual subject to the suspension requests an 49641  
adjudication, the date set for the adjudication shall be within 49642  
fifteen days but not earlier than seven days after the individual 49643

makes the request, unless another date is agreed to by both the individual and the director. The summary suspension shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective.

The director shall issue a final adjudication order not later than ninety days after completion of the adjudication. If the director does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the ninety-day period shall not be affected.

(C) If the director issues an order revoking or suspending a license issued under this chapter and the license holder continues to operate a ~~maternity unit, newborn care nursery, or~~ maternity home, the director may ask the attorney general to apply to the court of common pleas of the county in which the person is located for an order enjoining the person from operating the ~~unit, nursery, or~~ home. The court shall grant the order on a showing that the person is operating the ~~unit, nursery, or~~ home.

**Sec. 3711.30.** (A) As used in this section, "opioid" means ~~opium, opium derivatives, and synthetic opium substitutes~~ an opioid analgesic as defined in section 3719.01 of the Revised Code.

(B) Each ~~maternity unit, newborn care nursery, and~~ maternity home shall report to the department of health the number of newborns born to residents of this state in the ~~unit, nursery, or~~ home during the preceding calendar quarter that were diagnosed as opioid dependent at birth. The reports shall be submitted not later than thirty days after the end of each quarter and shall not include any patient-identifying information.

(C) The department shall establish standards and procedures

for reporting the information required by this section. The 49675  
information reported under this section shall not be used for law 49676  
enforcement purposes or disclosed to law enforcement authorities. 49677

(D) The department shall compile the information submitted 49678  
under this section and make a summary of that information 49679  
available to the public not later than ninety days after the end 49680  
of each calendar year. 49681

Sec. 3722.01. (A) As used in this chapter: 49682

(1) "Children's hospital" means either of the following: 49683

(a) A hospital that provides general pediatric medical and 49684  
surgical care in which at least seventy-five per cent of annual 49685  
inpatient discharges for the preceding two calendar years were 49686  
individuals less than eighteen years of age; 49687

(b) A distinct portion of a hospital that provides general 49688  
pediatric medical and surgical care in which at least seventy-five 49689  
per cent of annual inpatient discharges for the preceding two 49690  
calendar years were individuals less than eighteen years of age. 49691

(B) "Health maintenance organization" means a public or 49692  
private organization organized under the law of any state that is 49693  
qualified under 42 U.S.C. 300e-9 or that does all of the 49694  
following: 49695

(1) Provides or otherwise makes available to enrolled 49696  
participants health care services including at least the following 49697  
basic health care services: usual physician services, 49698  
hospitalization, laboratory, x-ray, emergency and preventive 49699  
services, and out-of-area coverage; 49700

(2) Is compensated, except for copayments, for the provision 49701  
of basic health care services to enrolled participants by a 49702  
payment that is paid on a periodic basis without regard to the 49703  
date the health care services are provided and that is fixed 49704

without regard to the frequency, extent, or kind of health service 49705  
actually provided; 49706

(3) Provides physician services primarily in either of the 49707  
following ways: 49708

(a) Directly through physicians who are either employees or 49709  
partners of the organization; 49710

(b) Through arrangements with individual physicians or one or 49711  
more groups of physicians organized on a group-practice or 49712  
individual-practice basis. 49713

(C) "Hospital" means an institution or facility that provides 49714  
inpatient medical or surgical services for a continuous period 49715  
longer than twenty-four hours or a hospital operated by a health 49716  
maintenance organization. "Hospital" includes a children's 49717  
hospital. 49718

(D) "Political subdivision" means a county, township, 49719  
municipal corporation, or other body corporate and politic 49720  
responsible for governmental activities in a geographic area 49721  
smaller than that of the state. 49722

(E) "State university" has the same meaning as in section 49723  
3345.12 of the Revised Code. 49724

**Sec. 3722.02.** (A) It is the intent of the General Assembly in 49725  
enacting Chapter 3722. of the Revised Code to require each 49726  
hospital operating in this state to be licensed by the director of 49727  
health. Beginning on the date that is three years after the 49728  
effective date of this section, any reference to a hospital 49729  
contained in the Revised Code in a chapter other than Chapter 49730  
3722. of the Revised Code shall be construed to mean a hospital 49731  
licensed under Chapter 3722. of the Revised Code. 49732

(B) Beginning on the date that is three years after the 49733  
effective date of this section, no person and no political 49734

<u>subdivision, agency, or instrumentality of this state shall</u>	49735
<u>operate a hospital without holding a license issued by the</u>	49736
<u>director of health under section 3722.03 of the Revised Code.</u>	49737
<u>(C) Division (A) of this section does not apply to any of the</u>	49738
<u>following:</u>	49739
<u>(1) A hospital operated by the federal government;</u>	49740
<u>(2) An ambulatory surgical facility or other health care</u>	49741
<u>facility licensed as described in section 3702.30 of the Revised</u>	49742
<u>Code;</u>	49743
<u>(3) A nursing home or residential care facility licensed</u>	49744
<u>under Chapter 3721. of the Revised Code;</u>	49745
<u>(4) A hospital or inpatient unit licensed under section</u>	49746
<u>5119.33 of the Revised Code;</u>	49747
<u>(5) A residential facility as defined in section 5119.34 of</u>	49748
<u>the Revised Code;</u>	49749
<u>(6) A residential facility as defined in section 5123.19 of</u>	49750
<u>the Revised Code;</u>	49751
<u>(7) A community addiction services provider as defined in</u>	49752
<u>section 5119.01 of the Revised Code;</u>	49753
<u>(8) A facility providing services under a contract with the</u>	49754
<u>department of developmental disabilities under section 5123.18 of</u>	49755
<u>the Revised Code;</u>	49756
<u>(9) A facility operated by a hospice care program licensed</u>	49757
<u>under section 3712.04 of the Revised Code and that is used</u>	49758
<u>exclusively for the care of hospice patients;</u>	49759
<u>(10) A facility operated by a pediatric respite care program</u>	49760
<u>licensed under section 3712.041 of the Revised Code and that is</u>	49761
<u>used exclusively for the care of pediatric respite care patients;</u>	49762
<u>(11) A health maintenance organization that does not operate</u>	49763

a hospital; 49764

(12) The site where a health care practice is operated, 49765  
regardless of whether the practice is organized as an individual 49766  
or group practice; 49767

(13) A clinic providing ambulatory patient services where 49768  
patients are not regularly admitted as inpatients; 49769

(14) An institution for the sick that is operated exclusively 49770  
for patients who use spiritual means for healing and for whom the 49771  
acceptance of medical care is inconsistent with their religious 49772  
beliefs, accredited by a national accrediting organization, exempt 49773  
from federal income taxation under section 501 of the Internal 49774  
Revenue Code of 1986, 26 U.S.C. 1, and providing twenty-four-hour 49775  
nursing care pursuant to the exemption from the licensing 49776  
requirements of Chapter 4723. of the Revised Code described in 49777  
division (E) of section 4723.32 of the Revised Code. 49778

(D)(1) If the director of health determines that a hospital 49779  
is operating without a license in violation of this section, the 49780  
director shall do any of the following: 49781

(a) Notify the hospital that it is operating without a 49782  
license and provide it with an opportunity to apply for licensure, 49783  
but only within the thirty-day period beginning on the date the 49784  
hospital received the director's notice; 49785

(b) Direct the hospital to cease operations; 49786

(c) Impose a civil penalty of not more than two hundred fifty 49787  
thousand dollars; 49788

(d) In addition to the penalty described in division 49789  
(D)(1)(c) of this section, impose a penalty of not less than one 49790  
thousand dollars and not more than ten thousand dollars for each 49791  
day the hospital operates without a license. 49792

(2) If the hospital described in division (D)(1) of this 49793

section continues to operate without a license, the director may 49794  
petition the court of common pleas of the county in which the 49795  
hospital is located for an order enjoining the hospital from 49796  
operating. 49797

**Sec. 3722.03.** (A) Subject to division (D) of this section, 49798  
each person or political subdivision, agency, or instrumentality 49799  
of this state, including a state university, seeking to operate a 49800  
hospital shall apply to the director of health for a license to 49801  
operate a hospital. 49802

The director of health shall not consider any application for 49803  
licensure until the date that is one year after the effective date 49804  
of this section. An application shall be submitted in the form and 49805  
manner prescribed by the director in rules adopted under section 49806  
3722.06 of the Revised Code. 49807

(B) To be eligible for a license, an applicant must satisfy 49808  
all of the following: 49809

(1) Have submitted a complete application, including the 49810  
payment of the fee specified in rules adopted under section 49811  
3722.06 of the Revised Code; 49812

(2) Be certified under Title XVIII of the "Social Security 49813  
Act," 42 U.S.C. 301, or accredited by a national accrediting 49814  
organization approved by the federal centers for medicare and 49815  
medicaid services; 49816

(3) Demonstrate the ability to comply with standards 49817  
established in rules adopted under section 3722.06 of the Revised 49818  
Code; 49819

(4) Specify the number of beds for the hospital, including 49820  
skilled nursing beds, long-term care beds, and special skilled 49821  
nursing beds. 49822

(C)(1) If the applicant satisfies the requirements described 49823

in division (B) of this section, the director shall issue to the 49824  
applicant a license to operate a hospital. 49825

(2) A license issued under this section is valid for a 49826  
three-year period unless revoked or suspended. A license expires 49827  
on the date that is three years from the date of issuance and may 49828  
be renewed for additional three-year periods. Applications for 49829  
renewal shall be submitted to the director in a manner prescribed 49830  
in rules adopted under section 3722.06 of the Revised Code. 49831

(3) All of the following apply to a license issued under this 49832  
section: 49833

(a) The license is valid only for the premises named in the 49834  
application. 49835

(b) The license is valid only for the entity named in the 49836  
application. 49837

(c) The license holder shall post a copy of the license in a 49838  
conspicuous place in the hospital. 49839

(D) If a person or political subdivision, agency, or 49840  
instrumentality of this state, including a state university, seeks 49841  
to operate as a hospital a facility that is comprised of multiple 49842  
buildings adjacent to one another, the person or political 49843  
subdivision, agency, or instrumentality of this state shall submit 49844  
to the director a single application for licensure. 49845

In the case of a facility that is comprised of multiple 49846  
buildings that are not adjacent to one another, a person or 49847  
political subdivision, agency, or instrumentality of this state, 49848  
including a state university, may submit to the director a single 49849  
application for licensure. The director shall consider a single 49850  
application only if the applicant demonstrates to the director 49851  
that the buildings are in the immediate vicinity of one another so 49852  
as to constitute a medical center or medical campus. 49853

Sec. 3722.04. If a hospital licensed under this chapter is assigned, sold, or transferred to a new owner, within thirty days of the assignment, sale, or transfer, the new owner shall apply to the director of health for a license transfer. The application shall be submitted to the director in the form and manner prescribed in rules adopted under section 3722.06 of the Revised Code. 49854  
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The new owner is responsible for compliance with any action taken or proposed by the director under section 3722.07 or 3722.08 of the Revised Code. If a notice has been issued under section 119.07 of the Revised Code, the new owner becomes party to the notice. 49861  
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Sec. 3722.05. (A) Upon the filing of an initial application for licensure under section 3722.03 of the Revised Code, the director of health may inspect the hospital prior to issuing or denying the applicant a license to operate a hospital. An applicant may avoid such an inspection if the applicant submits with the application a copy of the hospital's most recent on-site survey report from an accrediting body demonstrating that the hospital is in deemed status. 49866  
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(B) When filing an application to renew a license issued under section 3722.03 of the Revised Code, an applicant may avoid an inspection by the director if the applicant submits with the application a copy of the hospital's most recent on-site survey report from an accrediting body demonstrating that the hospital is in deemed status. 49874  
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(C) For purposes of this section, an on-site survey report from an accrediting body submitted in accordance with this section is confidential and is not a public record under section 149.43 of the Revised Code. 49880  
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<u>(D) At least once every thirty-six months, the director shall</u>	49884
<u>inspect each licensed hospital's maternity unit, newborn care</u>	49885
<u>nursery, and any unit providing any of the following services:</u>	49886
<u>(1) Pediatric intensive care;</u>	49887
<u>(2) Solid organ and bone marrow transplantation;</u>	49888
<u>(3) Stem cell harvesting and reinfusion;</u>	49889
<u>(4) Cardiac catheterization;</u>	49890
<u>(5) Open heart surgery;</u>	49891
<u>(6) Operation of linear accelerators;</u>	49892
<u>(7) Operation of cobalt radiation therapy units;</u>	49893
<u>(8) Operation of gamma knives.</u>	49894
<u>(E) To monitor compliance with this chapter and any rules</u>	49895
<u>adopted under it, the director may at any time inspect a licensed</u>	49896
<u>hospital.</u>	49897
<u>(F) Any inspection conducted under this section is subject to</u>	49898
<u>a fee. Upon conducting the inspection, the director shall provide</u>	49899
<u>the applicant or license holder with a fee statement. Not later</u>	49900
<u>than fifteen days after receiving the fee statement, the applicant</u>	49901
<u>or license holder shall submit to the director the total amount of</u>	49902
<u>the fee.</u>	49903
<b><u>Sec. 3722.06. (A) Not later than the date that is one year</u></b>	49904
<b><u>after the effective date of this section, the director of health</u></b>	49905
<b><u>shall adopt rules establishing health, safety, welfare, and</u></b>	49906
<b><u>quality standards for hospitals licensed under this chapter,</u></b>	49907
<b><u>including standards for all of the following:</u></b>	49908
<u>(1) Maternity units;</u>	49909
<u>(2) Newborn care nurseries;</u>	49910
<u>(3) Hospital services, including the following:</u>	49911

<u>(a) Pediatric intensive care;</u>	49912
<u>(b) Solid organ and bone marrow transplantation;</u>	49913
<u>(c) Stem cell harvesting and reinfusion;</u>	49914
<u>(d) Cardiac catheterization;</u>	49915
<u>(e) Open heart surgery;</u>	49916
<u>(f) Operation of linear accelerators;</u>	49917
<u>(g) Operation of cobalt radiation therapy units;</u>	49918
<u>(h) Operation of gamma knives.</u>	49919
<u>(B) Not later than the date that is one year after the</u>	49920
<u>effective date of this section, the director shall adopt rules</u>	49921
<u>establishing standards and procedures for the licensure of</u>	49922
<u>hospitals, including all of the following:</u>	49923
<u>(1) Procedures for applying and renewing licenses as</u>	49924
<u>described in section 3722.03 of the Revised Code;</u>	49925
<u>(2) Procedures for transferring licenses as described in</u>	49926
<u>section 3722.04 of the Revised Code;</u>	49927
<u>(3) Procedures for inspections following complaints;</u>	49928
<u>(4) Fees for initial applications, license renewals, and</u>	49929
<u>license transfers, as well as inspections conducted under section</u>	49930
<u>3722.05 of the Revised Code;</u>	49931
<u>(5) Subject to division (D) of this section, standards and</u>	49932
<u>procedures for imposing civil penalties as described in section</u>	49933
<u>3722.07 of the Revised Code;</u>	49934
<u>(6) Standards and procedures for correcting violations,</u>	49935
<u>including through the submission of correction plans;</u>	49936
<u>(7) Standards and procedures for identifying, monitoring,</u>	49937
<u>managing, reporting, and reducing exposures to risk conditions,</u>	49938
<u>such as Legionella, including through the use of environmental</u>	49939

<u>facility assessments, the development of water management plans,</u>	49940
<u>and the use of disinfection measures;</u>	49941
<u>(8) Standards and procedures for data reporting;</u>	49942
<u>(9) Standards and procedures for emergency preparedness;</u>	49943
<u>(10) Standards and procedures for the provision of technical</u>	49944
<u>assistance as described in section 3722.09 of the Revised Code.</u>	49945
<u>(C) The director shall establish a scale for use in</u>	49946
<u>determining the amount of a civil penalty that may be imposed</u>	49947
<u>under section 3722.07 of the Revised Code. The scale shall include</u>	49948
<u>per day amounts for ongoing violations. The total amount of a</u>	49949
<u>civil penalty shall not exceed two hundred fifty thousand dollars</u>	49950
<u>for each violation.</u>	49951
<u>(D) The director may adopt any other rules as necessary to</u>	49952
<u>implement this chapter.</u>	49953
<u>(E) When adopting rules under this section, the director</u>	49954
<u>shall adopt the rules in accordance with Chapter 119. of the</u>	49955
<u>Revised Code. Any rules adopted are not subject to division (F) of</u>	49956
<u>section 121.95 of the Revised Code.</u>	49957
<b><u>Sec. 3722.07.</u></b> (A) <u>Each hospital licensed under this chapter</u>	49958
<u>shall comply with the requirements of this chapter and the rules</u>	49959
<u>adopted under it.</u>	49960
<u>(B) If the director of health finds that an applicant or</u>	49961
<u>license holder has violated any requirement of this chapter or the</u>	49962
<u>rules adopted under it, the director may do any of the following:</u>	49963
<u>(1) Suspend, revoke, or refuse to issue or renew a license;</u>	49964
<u>(2) Provide the license holder an opportunity to correct the</u>	49965
<u>violation;</u>	49966
<u>(3) Provide the license holder with a plan to correct or</u>	49967
<u>mitigate the violation;</u>	49968

<u>(4) Prohibit the license holder from admitting new patients;</u>	49969
<u>(5) Impose a civil penalty;</u>	49970
<u>(6) In the event the director believes there is a danger of</u>	49971
<u>immediate and serious harm to the public, summarily suspend either</u>	49972
<u>of the following:</u>	49973
<u>(a) A license;</u>	49974
<u>(b) A type of health care service.</u>	49975
<u>Notwithstanding division (C) of this section, the decision or</u>	49976
<u>determination to take any of the actions described in division (B)</u>	49977
<u>of this section is subject to Chapter 119. of the Revised Code.</u>	49978
<u>(C) If the director suspends a license or health care service</u>	49979
<u>as described in division (B)(6) of this section, the director</u>	49980
<u>shall issue a written order of suspension and furnish a copy to</u>	49981
<u>the license holder either by certified mail or in person in</u>	49982
<u>accordance with section 119.07 of the Revised Code.</u>	49983
<u>If the license holder subject to the summary suspension</u>	49984
<u>requests an adjudication, the adjudication shall be held within</u>	49985
<u>thirty days but not less than fifteen days after the request,</u>	49986
<u>unless another date is agreed to by the license holder and</u>	49987
<u>director.</u>	49988
<u>The summary suspension remains in effect, unless reversed by</u>	49989
<u>the director, until a final adjudication order is issued by the</u>	49990
<u>director in accordance with Chapter 119. of the Revised Code.</u>	49991
<u>The director shall issue a final adjudication order not later</u>	49992
<u>than ninety days after the adjudication. If the director fails to</u>	49993
<u>issue the final adjudication order within the ninety-day period,</u>	49994
<u>the summary suspension is void, but any final adjudication order</u>	49995
<u>issued subsequent to the ninety-day period is valid.</u>	49996
<u>In the event an appeal is filed under section 119.12 of the</u>	49997
<u>Revised Code and while the appeal is pending, a court of common</u>	49998

pleas shall not issue an order reversing the summary suspension. 49999

(D) If the director suspends or revokes a license and the license holder continues to operate a hospital, the director may ask the attorney general to apply to the court of common pleas of the county in which the hospital is located for an order enjoining the license holder from continuing to operate the hospital. 50000  
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**Sec. 3722.08.** (A) As used in this section, "real and present danger" means imminent danger of serious physical or life-threatening harm to one or more occupants of a hospital. 50005  
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(B) If, in the judgment of the director of health, a real and present danger exists at any licensed hospital, the director may petition the court of common pleas of the county in which the hospital is located for such injunctive relief as is necessary to close the hospital, transfer one or more occupants to other hospitals or other appropriate care settings, or otherwise eliminate the real and present danger. The court has jurisdiction to grant such injunctive relief upon a showing that there is a real and present danger. 50008  
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(C)(1) If the director determines that a real and present danger exists at a licensed hospital and elects not to immediately seek injunctive relief under division (B) of this section, the director may give written notice of proposed action to the hospital. The notice shall specify all of the following: 50017  
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(a) The nature of the conditions giving rise to the real and present danger; 50022  
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(b) The measures that the director determines the hospital must take to respond to the conditions; 50024  
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(c) The date on which the director intends to seek injunctive relief under division (B) of this section if the director determines that a real and present danger remains at the hospital. 50026  
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(2) If the licensed hospital notifies the director, within the time specified pursuant to division (C)(1)(c) of this section, that it believes the conditions giving rise to the real and present danger have been substantially corrected, the director shall conduct an inspection to determine whether a real and present danger remains. If the director determines on the basis of the inspection that real and present danger remains, the director may petition under division (B) of this section for injunctive relief. 50029  
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(D)(1) If, in the judgment of the director of health, conditions exist at a licensed hospital that will give rise to a real and present danger if not corrected, the director shall give written notice of proposed action to the hospital. The notice shall specify all of the following: 50038  
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(a) The nature of the conditions giving rise to the director's judgment; 50043  
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(b) The measures that the director determines the hospital must take to respond to the conditions; 50045  
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(c) The date, which shall be not later than ten days after the notice is delivered, on which the director intends to seek injunctive relief under division (B) of this section if the conditions are not substantially corrected and the director determines that a real and present danger does exist. 50047  
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(2) If the licensed hospital notifies the director, within the period of time specified in division (D)(1)(c) of this section, that the conditions giving rise to the director's determination have been substantially corrected, the director shall conduct an inspection. If the director determines on the basis of the inspection that the conditions have not been corrected and a real and present danger does exist, the director may petition under division (B) of this section for injunctive 50052  
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relief. 50060

(E)(1) A court that grants injunctive relief under division (B) of this section may also appoint a special master who, subject to division (E)(2) of this section, shall have such powers and authority over the hospital and a length of appointment as the court considers necessary. Subject to division (E)(2) of this section, the salary of a special master and any costs incurred by a special master shall be the obligation of the hospital. 50061  
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(2) No special master shall enter into any employment contract on behalf of a hospital or purchase with the hospital's funds any capital goods totaling more than ten thousand dollars, unless the special master has obtained approval for the contract or purchase from the hospital or the court. 50068  
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(F) If the director takes action under division (B), (C), or (D) of this section, the director may also appoint employees of the department of health to conduct on-site monitoring of the hospital. Appointment of monitors is not subject to appeal under Chapter 119. or any other section of the Revised Code. 50073  
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No employee of a hospital for which monitors are appointed, no person employed by the hospital within the previous two years, and no person who currently has a consulting contract with the department or a hospital, shall be appointed under this division. 50078  
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Every monitor shall have the professional qualifications necessary to monitor correction of the conditions that give rise to or, in the director's judgment, will give rise to real and present danger. The number of monitors present at a hospital at any given time shall not exceed one for every fifty patients, or fraction thereof. 50082  
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(G) On finding that the real and present danger for which injunctive relief was granted under division (B) of this section has been eliminated and that the hospital has demonstrated the 50088  
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capacity to prevent the real and present danger from recurring, 50091  
the court shall terminate its jurisdiction over the hospital and 50092  
return control and management to the hospital. 50093

If the real and present danger cannot be eliminated 50094  
practicably within a reasonable time following appointment of a 50095  
special master, the court may order the special master to close 50096  
the hospital and transfer all patients to other hospitals or other 50097  
appropriate care settings. 50098

(H) The director of health shall give notice of proposed 50099  
action under divisions (C) and (D) of this section to the 50100  
following: 50101

(1) The hospital's administrator; 50102

(2) The hospital's governing board; 50103

(3) The hospital's statutory agent. 50104

A notice shall be delivered by hand or certified mail. If 50105  
mailed, the notice shall be addressed to the persons specified in 50106  
this section, as indicated in the department of health's records. 50107  
If hand delivered, the notice shall be delivered to persons who 50108  
would reasonably appear to the average prudent person to have 50109  
authority to accept them. 50110

**Sec. 3722.09.** (A) The director of health may provide each 50111  
licensed hospital with technical assistance in all of the 50112  
following areas: 50113

(1) Infectious diseases, including measures to prevent and 50114  
control their spread; 50115

(2) Quality improvement projects, including health equity and 50116  
disparities; 50117

(3) Population health initiatives; 50118

(4) Data analytics; 50119

(5) Workforce recruitment and development. 50120

(B) The director may engage with one or more quality improvement organizations to assist in providing technical assistance. A quality improvement organization shall provide technical assistance without compensation from the department of health. The director may terminate the assistance of a quality improvement organization at any time. 50121  
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(C) The director may use any fees and civil penalties collected under this chapter to fund the provision of technical assistance to licensed hospitals, including contracting with entities to provide training or technical assistance as determined necessary by the director. 50127  
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Sec. 3722.10. Each hospital licensed under this chapter shall have a governing board to oversee the hospital's management, operation, and control. The governing board shall be responsible for both of the following: 50132  
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(A) Overseeing the appointment, reappointment, and assignment of privileges to medical staff as described in section 3701.351 of the Revised Code; 50136  
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(B) Establishing protocols for the admission and treatment of patients. 50139  
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Sec. 3722.11. (A) "Opioid" means opioid analgesic as defined in section 3719.01 of the Revised Code. 50141  
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(B) Beginning on the date that is three years after the effective date of this section, each hospital licensed under this chapter that operates a maternity unit or newborn care nursery shall report to the director of health the number of newborns born to residents of this state in the unit or nursery during the preceding calendar quarter that were diagnosed as opioid dependent at birth. The reports shall be submitted not later than thirty 50143  
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days after the end of each quarter and shall not include any 50150  
patient-identifying information. 50151

(C) The director shall establish standards and procedures for 50152  
reporting the information required by this section. The 50153  
information reported under this section shall not be used for law 50154  
enforcement purposes or disclosed to law enforcement authorities. 50155

(D) The director shall compile the information submitted 50156  
under this section and make a summary of that information 50157  
available to the public not later than ninety days after the end 50158  
of each calendar year. 50159

**Sec. 3722.12.** (A) Beginning on the date that is three years 50160  
after the effective date of this section, each hospital shall 50161  
report to the director of health the contagious, environmental, or 50162  
infectious diseases, illnesses, or health conditions or unusual 50163  
infectious agents or biological toxins for which it provides 50164  
treatment to patients. 50165

(B) The director shall adopt rules that do all of the 50166  
following: 50167

(1) Specify the diseases, illnesses, conditions, infectious 50168  
agents, and biological toxins to be reported under this section; 50169

(2) Specify the frequency with which a hospital shall report 50170  
to the director under this section; 50171

(3) Prescribe the manner in which a hospital shall report to 50172  
the director under this section. 50173

(C) Any information reported under this section shall be 50174  
considered protected health information as described in section 50175  
3701.17 of the Revised Code and shall be released only in 50176  
accordance with that section. Information that does not identify 50177  
an individual may be released in summary, statistical, or 50178  
aggregate form. 50179

Sec. 3722.13. All initial license fees, renewal fees, fees for inspections conducted by the director of health and civil penalties collected under this chapter shall be deposited in the state treasury to the credit of the general operations fund created under section 3701.83 of the Revised Code. The moneys shall be used solely for purposes of administering and enforcing this chapter and the rules adopted under it.

Sec. 3722.14. From the effective date of this section until the date that is three years after the effective date of this section, the requirements of this chapter apply only to a hospital that has obtained a license to operate issued under section 3722.03 of the Revised Code. Beginning on the date that is three years after the effective date of this section, each hospital is subject to the requirements of this chapter.

Sec. 3722.99. Beginning on the date that is three years from the effective date of this section, whoever violates division (B) of section 3722.02 of the Revised Code is guilty of a misdemeanor of the first degree and shall be liable for an additional penalty of one thousand dollars for each day of operation in violation of such division.

Sec. 3727.70. As used in this section and sections 3727.71 to 3727.79 of the Revised Code:

(A) "Admission" means a patient's admission to a hospital on an inpatient basis by a health care professional ~~specified in division (B)(1) of section 3727.06 of the Revised Code.~~

(B) "After-care" means assistance provided by a lay caregiver to a patient in the patient's residence after the patient's discharge and includes only the caregiving needs of the patient at the time of discharge.

(C) "Discharge" means the discharge or release of a patient 50209  
who has been admitted to a hospital on an inpatient basis from the 50210  
hospital directly to the patient's residence. "Discharge" does not 50211  
include the transfer of a patient to another facility or setting. 50212

(D) "Discharging health care professional" means a health 50213  
care professional who is authorized ~~by division (B)(1) of section~~ 50214  
~~3727.06 of the Revised Code~~ to admit a patient to a hospital and 50215  
who has assumed responsibility for directing the creation of the 50216  
patient's discharge plan under section 3727.75 of the Revised 50217  
Code. 50218

(E) "Guardian" has the same meaning as in section 2133.01 of 50219  
the Revised Code. 50220

(F) "Lay caregiver" means an adult designated under section 50221  
3727.71 of the Revised Code to provide after-care to a patient. 50222

(G) "Lay caregiver designation" means the designation of a 50223  
lay caregiver for a patient as described in section 3727.71 of the 50224  
Revised Code. 50225

(H)(1) "Patient's residence" means either of the following: 50226

(a) The dwelling that a patient or the patient's guardian 50227  
considers to be the patient's home; 50228

(b) The dwelling of a relative or other individual who has 50229  
agreed to temporarily house the patient following discharge and 50230  
who has communicated this fact to hospital staff. 50231

(2) "Patient's residence" does not include any of the 50232  
following: 50233

(a) A hospital; 50234

(b) A nursing home, residential care facility, county home, 50235  
or district home, as defined in section 3721.01 of the Revised 50236  
Code; 50237

(c) A veterans' home operated under Chapter 5907. of the 50238

Revised Code;	50239
(d) A residential facility, as defined in section 5119.34 of the Revised Code;	50240 50241
(e) A residential facility, as defined in section 5123.19 of the Revised Code;	50242 50243
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	50244 50245
(g) A freestanding inpatient rehabilitation facility licensed under section 3702.30 of the Revised Code;	50246 50247
(h) Another facility similar to one specified in this division.	50248 50249
<b>Sec. 3781.112.</b> (A) As used in this section, "secured facility" means any of the following:	50250 50251
(1) A <del>maternity unit, newborn care nursery, or</del> maternity home licensed under Chapter 3711. of the Revised Code;	50252 50253
(2) A pediatric intensive care unit <del>subject to rules adopted by the director of health pursuant to section 3702.11 of the Revised Code;</del>	50254 50255 50256
(3) A <del>children's hospital, as defined in section 3727.01</del> <u>hospital licensed under Chapter 3722.</u> of the Revised Code;	50257 50258
(4) A hospital <del>that is</del> licensed under section 5119.33 of the Revised Code to receive mentally ill persons;	50259 50260
(5) The portion of a nursing home licensed under section 3721.02 of the Revised Code or in accordance with section 3721.09 of the Revised Code in which specialized care is provided to residents of the nursing home who have physical or mental conditions that require a resident to be restricted in the resident's freedom of movement for the health and safety of the resident, the staff attending the resident, or the general public.	50261 50262 50263 50264 50265 50266 50267

(B) A secured facility may take reasonable steps in 50268  
accordance with rules the board of building standards adopts under 50269  
division (A) of section 3781.10 of the Revised Code and in 50270  
accordance with the state fire code the fire marshal adopts under 50271  
section 3737.82 of the Revised Code, to deny egress to confine and 50272  
protect patients or residents of the secured facility who are not 50273  
capable of self-preservation. A secured facility that wishes to 50274  
deny egress to those patients or residents may use delayed-egress 50275  
doors and electronically coded doors to deny egress, on the 50276  
condition that those doors are installed and used in accordance 50277  
with rules the board of building standards adopts under division 50278  
(A) of section 3781.10 of the Revised Code and in accordance with 50279  
the state fire code the fire marshal adopts under section 3737.82 50280  
of the Revised Code. A secured facility also may install 50281  
controlled-egress locks, in compliance with rules the board of 50282  
building standards adopts under division (A) of section 3781.10 of 50283  
the Revised Code and in compliance with the state fire code the 50284  
fire marshal adopts under section 3737.82 of the Revised Code, in 50285  
areas of the secured facility where patients or residents who have 50286  
physical or mental conditions that would endanger the patients or 50287  
residents, the staff attending the patients or residents, or the 50288  
general public if those patients or residents are not restricted 50289  
in their freedom of movement. A secured facility that uses 50290  
delayed-egress doors and electronically coded doors, 50291  
controlled-egress locks, or both, shall do both of the following: 50292

(1) Provide continuous, twenty-four-hour custodial care to 50293  
the patients or residents of the facility; 50294

(2) Establish a system to evacuate patients or residents in 50295  
the event of fire or other emergency. 50296

**Sec. 3901.40.** No insurance company, health insuring 50297  
corporation, or self-insurance plan authorized to do business in 50298

this state shall include or provide in its policies or subscriber 50299  
agreements for benefit payments or reimbursement for services in 50300  
any hospital which is not ~~certified or accredited as provided in~~ 50301  
~~division (A) of section 3727.02~~ licensed under Chapter 3722. of 50302  
the Revised Code. No hospital located in this state shall charge 50303  
any insurance company, health insuring corporation, federal, 50304  
state, or local government agency, or person for any services 50305  
rendered unless the hospital is ~~certified or accredited as~~ 50306  
~~provided in division (A) of section 3727.02~~ licensed under Chapter 50307  
3722. of the Revised Code. "Hospital" as used in this section 50308  
means only those institutions included within the definition of 50309  
that term contained in section 3727.01 of the Revised Code, and 50310  
the prohibitions in this section do not apply to facilities 50311  
excluded from that definition. 50312

**Sec. 3929.67.** (A) A medical liability insurance policy that 50313  
insures a physician or podiatrist, written by or on behalf of the 50314  
medical liability underwriting association pursuant to sections 50315  
3929.62 to 3929.70 of the Revised Code, may only be cancelled 50316  
during the term of the policy for one of the following reasons: 50317

(1) Nonpayment of premiums; 50318

(2) The license of the insured to practice medicine and 50319  
surgery, osteopathic medicine and surgery, or podiatric medicine 50320  
and surgery has been suspended or revoked; 50321

(3) The insured's failure to meet minimum eligibility and 50322  
underwriting standards; 50323

(4) The occurrence of a change in the individual risk that 50324  
substantially increases any hazard insured against after the 50325  
coverage has been issued or renewed, except to the extent that the 50326  
medical liability underwriting association reasonably should have 50327  
foreseen the change or contemplated the risk in writing the 50328  
policy; 50329

(5) Discovery of fraud or material misrepresentation in the procurement of insurance or with respect to any claim submitted thereunder. 50330  
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(B) A medical liability insurance policy that insures a hospital, written by or on behalf of the medical liability underwriting association pursuant to sections 3929.62 to 3929.70 of the Revised Code, may only be cancelled during the term of the policy for one of the following reasons: 50333  
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(1) Nonpayment of premiums; 50338

(2) The hospital is not ~~certified or accredited in accordance with~~ licensed under Chapter ~~3727~~ 3722. of the Revised Code; 50339  
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(3) An injunction against the hospital has been granted under section ~~3727.05~~ 3722.08 of the Revised Code; 50341  
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(4) The insured's failure to meet minimum eligibility and underwriting standards; 50343  
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(5) The occurrence of a change in the individual risk that substantially increases any hazard insured against after the coverage has been issued or renewed, except to the extent that the medical liability underwriting association reasonably should have foreseen the change or contemplated the risk in writing the policy; 50345  
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(6) Discovery of fraud or material misrepresentation in the procurement of insurance or with respect to any claim submitted thereunder. 50351  
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**Sec. 4723.431.** (A)(1) An advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may practice only in accordance with a standard care arrangement entered into with each physician or podiatrist with whom the nurse collaborates. A copy of the standard care arrangement shall be retained on file by 50354  
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the nurse's employer. Prior approval of the standard care arrangement by the board of nursing is not required, but the board may periodically review it for compliance with this section.

A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement with one or more collaborating physicians or podiatrists. If a collaborating physician or podiatrist enters into standard care arrangements with more than five nurses, the physician or podiatrist shall not collaborate at the same time with more than five nurses in the prescribing component of their practices.

Not later than thirty days after first engaging in the practice of nursing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, the nurse shall submit to the board the name and business address of each collaborating physician or podiatrist. Thereafter, the nurse shall notify the board of any additions or deletions to the nurse's collaborating physicians or podiatrists. Except as provided in division (D) of this section, the notice must be provided not later than thirty days after the change takes effect.

(2) All of the following conditions apply with respect to the practice of a collaborating physician or podiatrist with whom a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement:

(a) The physician or podiatrist must be authorized to practice in this state.

(b) Except as provided in division (A)(2)(c) of this section, the physician or podiatrist must be practicing in a specialty that is the same as or similar to the nurse's nursing specialty.

(c) If the nurse is a clinical nurse specialist who is

certified as a psychiatric-mental health CNS by the American 50390  
nurses credentialing center or a certified nurse practitioner who 50391  
is certified as a psychiatric-mental health NP by the American 50392  
nurses credentialing center, the nurse may enter into a standard 50393  
care arrangement with a physician but not a podiatrist and the 50394  
collaborating physician must be practicing in one of the following 50395  
specialties: 50396

(i) Psychiatry; 50397

(ii) Pediatrics; 50398

(iii) Primary care or family practice. 50399

(B) A standard care arrangement shall be in writing and shall 50400  
contain all of the following: 50401

(1) Criteria for referral of a patient by the clinical nurse 50402  
specialist, certified nurse-midwife, or certified nurse 50403  
practitioner to a collaborating physician or podiatrist or another 50404  
physician or podiatrist; 50405

(2) A process for the clinical nurse specialist, certified 50406  
nurse-midwife, or certified nurse practitioner to obtain a 50407  
consultation with a collaborating physician or podiatrist or 50408  
another physician or podiatrist; 50409

(3) A plan for coverage in instances of emergency or planned 50410  
absences of either the clinical nurse specialist, certified 50411  
nurse-midwife, or certified nurse practitioner or a collaborating 50412  
physician or podiatrist that provides the means whereby a 50413  
physician or podiatrist is available for emergency care; 50414

(4) The process for resolution of disagreements regarding 50415  
matters of patient management between the clinical nurse 50416  
specialist, certified nurse-midwife, or certified nurse 50417  
practitioner and a collaborating physician or podiatrist; 50418

(5) Any other criteria required by rule of the board adopted 50419

pursuant to section 4723.07 or 4723.50 of the Revised Code. 50420

(C)(1) A standard care arrangement entered into pursuant to 50421  
this section may permit a clinical nurse specialist, certified 50422  
nurse-midwife, or certified nurse practitioner to supervise 50423  
services provided by a home health agency as defined in section 50424  
3701.881 of the Revised Code. 50425

(2) A standard care arrangement entered into pursuant to this 50426  
section may permit a clinical nurse specialist, certified 50427  
nurse-midwife, or certified nurse practitioner to admit a patient 50428  
to a hospital ~~in accordance with section 3727.06 of the Revised~~ 50429  
~~Code.~~ 50430

(D)(1) Except as provided in division (D)(2) of this section, 50431  
if a physician or podiatrist terminates the collaboration between 50432  
the physician or podiatrist and a certified nurse-midwife, 50433  
certified nurse practitioner, or clinical nurse specialist before 50434  
their standard care arrangement expires, all of the following 50435  
apply: 50436

(a) The physician or podiatrist must give the nurse written 50437  
or electronic notice of the termination. 50438

(b) Once the nurse receives the termination notice, the nurse 50439  
must notify the board of nursing of the termination as soon as 50440  
practicable by submitting to the board a copy of the physician's 50441  
or podiatrist's termination notice. 50442

(c) Notwithstanding the requirement of section 4723.43 of the 50443  
Revised Code that the nurse practice in collaboration with a 50444  
physician or podiatrist, the nurse may continue to practice under 50445  
the existing standard care arrangement without a collaborating 50446  
physician or podiatrist for not more than one hundred twenty days 50447  
after submitting to the board a copy of the termination notice. 50448

(2) In the event that the collaboration between a physician 50449  
or podiatrist and a certified nurse-midwife, certified nurse 50450

practitioner, or clinical nurse specialist terminates because of 50451  
the physician's or podiatrist's death, the nurse must notify the 50452  
board of the death as soon as practicable. The nurse may continue 50453  
to practice under the existing standard care arrangement without a 50454  
collaborating physician or podiatrist for not more than one 50455  
hundred twenty days after notifying the board of the physician's 50456  
or podiatrist's death. 50457

(E) Nothing in this section prohibits a hospital from hiring 50458  
a clinical nurse specialist, certified nurse-midwife, or certified 50459  
nurse practitioner as an employee and negotiating standard care 50460  
arrangements on behalf of the employee as necessary to meet the 50461  
requirements of this section. A standard care arrangement between 50462  
the hospital's employee and the employee's collaborating physician 50463  
is subject to approval by the medical staff and governing body of 50464  
the hospital prior to implementation of the arrangement at the 50465  
hospital. 50466

**Sec. 4723.481.** This section establishes standards and 50467  
conditions regarding the authority of an advanced practice 50468  
registered nurse who is designated as a clinical nurse specialist, 50469  
certified nurse-midwife, or certified nurse practitioner to 50470  
prescribe and personally furnish drugs and therapeutic devices 50471  
under a license issued under section 4723.42 of the Revised Code. 50472

(A) Except as provided in division (F) of this section, a 50473  
clinical nurse specialist, certified nurse-midwife, or certified 50474  
nurse practitioner shall not prescribe or furnish any drug or 50475  
therapeutic device that is listed on the exclusionary formulary 50476  
established in rules adopted under section 4723.50 of the Revised 50477  
Code. 50478

(B) The prescriptive authority of a clinical nurse 50479  
specialist, certified nurse-midwife, or certified nurse 50480  
practitioner shall not exceed the prescriptive authority of the 50481

collaborating physician or podiatrist, including the collaborating 50482  
physician's authority to treat chronic pain with controlled 50483  
substances and products containing tramadol as described in 50484  
section 4731.052 of the Revised Code. 50485

(C)(1) Except as provided in division (C)(2) or (3) of this 50486  
section, a clinical nurse specialist, certified nurse-midwife, or 50487  
certified nurse practitioner may prescribe to a patient a schedule 50488  
II controlled substance only if all of the following are the case: 50489

(a) The patient has a terminal condition, as defined in 50490  
section 2133.01 of the Revised Code. 50491

(b) A physician initially prescribed the substance for the 50492  
patient. 50493

(c) The prescription is for an amount that does not exceed 50494  
the amount necessary for the patient's use in a single, 50495  
seventy-two-hour period. 50496

(2) The restrictions on prescriptive authority in division 50497  
(C)(1) of this section do not apply if a clinical nurse 50498  
specialist, certified nurse-midwife, or certified nurse 50499  
practitioner issues the prescription to the patient from any of 50500  
the following locations: 50501

(a) A hospital ~~registered under section 3701.07~~ as defined in 50502  
section 3722.01 of the Revised Code; 50503

(b) An entity owned or controlled, in whole or in part, by a 50504  
hospital or by an entity that owns or controls, in whole or in 50505  
part, one or more hospitals; 50506

(c) A health care facility operated by the department of 50507  
mental health and addiction services or the department of 50508  
developmental disabilities; 50509

(d) A nursing home licensed under section 3721.02 of the 50510  
Revised Code or by a political subdivision certified under section 50511

3721.09 of the Revised Code;	50512
(e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	50513 50514 50515
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	50516 50517
(g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	50518 50519
(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	50520 50521
(i) A freestanding birthing center, as defined in section <del>3702.141</del> <u>3701.503</u> of the Revised Code;	50522 50523
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	50524 50525
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	50526 50527
(l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	50528 50529 50530 50531
(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site has a standard care arrangement and collaborates with at least one of the physician owners who practices primarily at that site;	50532 50533 50534 50535 50536 50537 50538 50539
(n) A residential care facility, as defined in section 3721.01 of the Revised Code.	50540 50541

(3) A clinical nurse specialist, certified nurse-midwife, or 50542  
certified nurse practitioner shall not issue to a patient a 50543  
prescription for a schedule II controlled substance from a 50544  
convenience care clinic even if the clinic is owned or operated by 50545  
an entity specified in division (C)(2) of this section. 50546

(D) A pharmacist who acts in good faith reliance on a 50547  
prescription issued by a clinical nurse specialist, certified 50548  
nurse-midwife, or certified nurse practitioner under division 50549  
(C)(2) of this section is not liable for or subject to any of the 50550  
following for relying on the prescription: damages in any civil 50551  
action, prosecution in any criminal proceeding, or professional 50552  
disciplinary action by the state board of pharmacy under Chapter 50553  
4729. of the Revised Code. 50554

(E) A clinical nurse specialist, certified nurse-midwife, or 50555  
certified nurse practitioner shall comply with section 3719.061 of 50556  
the Revised Code if the nurse prescribes for a minor, as defined 50557  
in that section, an opioid analgesic, as defined in section 50558  
3719.01 of the Revised Code. 50559

(F) Until the board of nursing establishes a new formulary in 50560  
rules adopted under section 4723.50 of the Revised Code, a 50561  
clinical nurse specialist, certified nurse-midwife, or certified 50562  
nurse practitioner who prescribes or furnishes any drug or 50563  
therapeutic device shall do so in accordance with the formulary 50564  
established by the board prior to ~~the effective date of this~~ 50565  
~~amendment~~ April 6, 2017. 50566

**Sec. 4730.411.** (A) Except as provided in division (B) or (C) 50567  
of this section, a physician assistant may prescribe to a patient 50568  
a schedule II controlled substance only if all of the following 50569  
are the case: 50570

(1) The patient is in a terminal condition, as defined in 50571  
section 2133.01 of the Revised Code. 50572

(2) The physician assistant's supervising physician initially prescribed the substance for the patient. 50573  
50574

(3) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, twenty-four-hour period. 50575  
50576  
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(B) The restrictions on prescriptive authority in division (A) of this section do not apply if a physician assistant issues the prescription to the patient from any of the following locations: 50578  
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(1) A hospital registered under section 3701.07 of the Revised Code; 50582  
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(2) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals; 50584  
50585  
50586

(3) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities; 50587  
50588  
50589

(4) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code; 50590  
50591  
50592

(5) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program; 50593  
50594  
50595

(6) A hospice care program, as defined in section 3712.01 of the Revised Code; 50596  
50597

(7) A community mental health services provider, as defined in section 5122.01 of the Revised Code; 50598  
50599

(8) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code; 50600  
50601

(9) A freestanding birthing center, as defined in section 50602

~~3702.141~~ 3701.503 of the Revised Code; 50603

(10) A federally qualified health center, as defined in 50604  
section 3701.047 of the Revised Code; 50605

(11) A federally qualified health center look-alike, as 50606  
defined in section 3701.047 of the Revised Code; 50607

(12) A health care office or facility operated by the board 50608  
of health of a city or general health district or the authority 50609  
having the duties of a board of health under section 3709.05 of 50610  
the Revised Code; 50611

(13) A site where a medical practice is operated, but only if 50612  
the practice is comprised of one or more physicians who also are 50613  
owners of the practice; the practice is organized to provide 50614  
direct patient care; and the physician assistant has entered into 50615  
a supervisory agreement with at least one of the physician owners 50616  
who practices primarily at that site. 50617

(C) A physician assistant shall not issue to a patient a 50618  
prescription for a schedule II controlled substance from a 50619  
convenience care clinic even if the convenience care clinic is 50620  
owned or operated by an entity specified in division (B) of this 50621  
section. 50622

(D) A pharmacist who acts in good faith reliance on a 50623  
prescription issued by a physician assistant under division (B) of 50624  
this section is not liable for or subject to any of the following 50625  
for relying on the prescription: damages in any civil action, 50626  
prosecution in any criminal proceeding, or professional 50627  
disciplinary action by the state board of pharmacy under Chapter 50628  
4729. of the Revised Code. 50629

**Sec. 4731.31.** (A) As used in this section: 50630

(1) "Rural hospital" means a hospital agency, as defined in 50631  
section 140.01 of the Revised Code, that meets all of the 50632

following criteria: 50633

(a) Is in compliance with ~~section 3727.02 of the Revised Code~~ 50634  
~~and the registration requirement of division (A) of section~~ 50635  
~~3701.07 Chapter 3722.~~ of the Revised Code; 50636

(b) Is located in a county that has a population of less than 50637  
one hundred twenty-five thousand. 50638

(2) "Physician" means an individual authorized under Chapter 50639  
4731. of the Revised Code to practice medicine and surgery, 50640  
osteopathic medicine and surgery, or podiatric medicine and 50641  
surgery. 50642

(B) Subject to division (C) of this section, a rural hospital 50643  
or a health care facility that is owned or operated by a rural 50644  
hospital may employ a physician. A hospital or facility that 50645  
employs a physician in accordance with this section is not engaged 50646  
in the practice of medicine and surgery, osteopathic medicine and 50647  
surgery, or podiatric medicine and surgery in violation of section 50648  
4731.41, 4731.43, or 4731.60 of the Revised Code. 50649

(C) No rural hospital or health care facility owned or 50650  
operated by a rural hospital shall do either of the following: 50651

(1) Control the professional clinical judgment exercised 50652  
within accepted and prevailing standards of practice of a 50653  
physician employed pursuant to this section in rendering care, 50654  
treatment, or professional advice to an individual patient; 50655

(2) Require that a physician be employed by the hospital or 50656  
facility as a condition of granting the physician privileges to 50657  
practice within the hospital or facility. 50658

**Sec. 4761.01.** As used in this chapter: 50659

(A) "Respiratory care" means rendering or offering to render 50660  
to individuals, groups, organizations, or the public any service 50661  
involving the evaluation of cardiopulmonary function, the 50662

treatment of cardiopulmonary impairment, the assessment of 50663  
treatment effectiveness, and the care of patients with 50664  
deficiencies and abnormalities associated with the cardiopulmonary 50665  
system. The practice of respiratory care includes: 50666

(1) Obtaining, analyzing, testing, measuring, and monitoring 50667  
blood and gas samples in the determination of cardiopulmonary 50668  
parameters and related physiologic data, including flows, 50669  
pressures, and volumes, and the use of equipment employed for this 50670  
purpose; 50671

(2) Administering, monitoring, recording the results of, and 50672  
instructing in the use of medical gases, aerosols, and 50673  
bronchopulmonary hygiene techniques, including drainage, 50674  
aspiration, and sampling, and applying, maintaining, and 50675  
instructing in the use of artificial airways, ventilators, and 50676  
other life support equipment employed in the treatment of 50677  
cardiopulmonary impairment and provided in collaboration with 50678  
other licensed health care professionals responsible for providing 50679  
care; 50680

(3) Performing cardiopulmonary resuscitation and respiratory 50681  
rehabilitation techniques; 50682

(4) Administering medications for the testing or treatment of 50683  
cardiopulmonary impairment. 50684

(B) "Respiratory care professional" means a person who is 50685  
licensed under this chapter to practice the full range of services 50686  
described in division (A) of this section. 50687

(C) "Physician" means an individual authorized under Chapter 50688  
4731. of the Revised Code to practice medicine and surgery or 50689  
osteopathic medicine and surgery. 50690

(D) "Registered nurse" means an individual licensed under 50691  
Chapter 4723. of the Revised Code to engage in the practice of 50692  
nursing as a registered nurse. 50693

(E) "Hospital" ~~means a facility that meets the operating standards of section 3727.02~~ has the same meaning as in section 3722.01 of the Revised Code. 50694  
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(F) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 50697  
50698

(G) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code. 50699  
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(H) "Physician assistant" means an individual who holds a valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code. 50701  
50702  
50703

**Section 130.11.** That existing sections 111.15, 140.01, 3701.07, 3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 3711.10, 3711.12, 3711.14, 3711.10, 3727.70, 3781.112, 3901.40, 3929.67, 4723.431, 4723.481, 4730.411, 4731.31, and 4761.01 are hereby repealed. 50704  
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**Section 130.12.** That sections 3702.11, 3702.12, 3702.13, 3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 3727.01, 3727.02, 3727.03, 3727.04, 3727.05, 3727.06, 3727.07, and 3727.99 of the Revised Code are hereby repealed. 50711  
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**Section 130.13.** (A) The amendment and repeal of Revised Code sections by Sections 130.10, 130.11, and 130.12 of this act take effect on the date that is three years after the effective date of this section. 50715  
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(B) The enactment of sections 3722.01, 3722.02, 3722.03, 3722.04, 3722.05, 3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 3722.13, 3722.14, and 3722.99 of the Revised Code by Section 130.10 of this act takes effect on the effective 50719  
50720  
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date of this section. 50723

**Section 130.14.** (A) Not later than the date that is three 50724  
years from the effective date of this section, each hospital shall 50725  
comply with the requirements for initial licensure as established 50726  
under Chapter 3722. of the Revised Code and rules adopted under it 50727  
by the director of health. As each hospital is licensed, the 50728  
director of health, or designee, shall assign the hospital to one 50729  
of three licensure groups. The first group shall renew its license 50730  
at the end of the first year. The second group shall renew its 50731  
license at the end of the second year. The third group shall renew 50732  
its license at the end of the third year. 50733

(B)(1) All initial licenses issued shall contain the renewal 50734  
date according to division (A) of this section. Each hospital 50735  
shall renew by the renewal date, meet the renewal application 50736  
requirements established in rule, and pay the fee as set forth in 50737  
division (B)(2) of this section. 50738

(2) Each hospital that renews its license in the first year 50739  
shall pay a renewal fee that is one-third of the renewal fee 50740  
established in rules adopted by the director of health. Each 50741  
hospital that renews its license in the second year shall pay a 50742  
renewal fee that is two-thirds of the renewal fee established in 50743  
rules adopted by the director of health. Each hospital that renews 50744  
its license in the third year shall pay the renewal fee as 50745  
established in rules adopted by the director of health. 50746

(3) Each renewal license issued under this section shall be 50747  
valid for three years such that each year thereafter one-third of 50748  
hospitals will renew their licenses. 50749

(C) Renewal licenses issued under division (B) of this 50750  
section shall be renewed following the renewal procedure set forth 50751  
in rule, including payment of the renewal fee. 50752

**Section 201.10.** Except as otherwise provided in this act, all 50753  
appropriation items in this act are appropriated out of any moneys 50754  
in the state treasury to the credit of the designated fund that 50755  
are not otherwise appropriated. For all appropriations made in 50756  
this act, the amounts in the first column are for fiscal year 2022 50757  
and the amounts in the second column are for fiscal year 2023. 50758  
50759

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 50760

Dedicated Purpose Fund Group 50761

4J80	889601	CPA Education	\$	525,000	\$	525,000	50762
		Assistance					
4K90	889609	Operating Expenses	\$	1,244,124	\$	1,291,139	50763
TOTAL DPF Dedicated Purpose Fund							50764
Group							\$ 1,769,124 \$ 1,816,139 50765
TOTAL ALL BUDGET FUND GROUPS							\$ 1,769,124 \$ 1,816,139 50766

**Section 205.10.** ADJ ADJUTANT GENERAL 50768

General Revenue Fund 50769

GRF	745401	Ohio Military Reserve	\$	9,500	\$	9,800	50770
GRF	745404	Air National Guard	\$	1,750,000	\$	1,811,250	50771
GRF	745407	National Guard	\$	174,000	\$	174,000	50772
		Benefits					
GRF	745409	Central	\$	2,940,167	\$	3,025,550	50773
		Administration					
GRF	745499	Army National Guard	\$	3,600,000	\$	3,726,000	50774
GRF	745503	Ohio Cyber Reserve	\$	750,000	\$	750,000	50775
GRF	745504	Ohio Cyber Range	\$	2,100,000	\$	2,100,000	50776
GRF	745505	State Active Duty	\$	50,000	\$	50,000	50777
TOTAL GRF General Revenue Fund							\$ 11,373,667 \$ 11,646,600 50778
Dedicated Purpose Fund Group							50779

5340	745612	Property Operations Management	\$	900,000	\$	900,000	50780
5360	745605	Marksmanship Activities	\$	115,000	\$	115,000	50781
5360	745620	Camp Perry and Buckeye Inn Operations	\$	874,055	\$	874,055	50782
5370	745604	Ohio National Guard Facilities Maintenance	\$	190,000	\$	190,000	50783
5CV1	745632	Coronavirus Relief - ADJ	\$	1,000,000	\$	0	50784
5LY0	745626	Military Medal of Distinction	\$	5,000	\$	5,000	50785
5U80	745613	Community Match Armories	\$	350,000	\$	350,000	50786
TOTAL DPF Dedicated Purpose Fund Group			\$	3,434,055	\$	2,434,055	50787
Federal Fund Group							50788
3420	745616	Army National Guard Service Agreement	\$	26,252,590	\$	26,636,202	50789
3E80	745628	Air National Guard Operations and Maintenance	\$	14,476,985	\$	14,881,509	50790
3R80	745603	Counter Drug Operations	\$	15,000	\$	15,382	50791
TOTAL FED Federal Fund Group			\$	40,744,575	\$	41,533,093	50792
TOTAL ALL BUDGET FUND GROUPS			\$	55,552,297	\$	55,613,748	50793

**Section 205.20. NATIONAL GUARD BENEFITS** 50795

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the

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associated programs. 50799

If necessary, in order to pay benefits in a timely manner 50800  
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 50801  
Adjutant General may request the Director of Budget and Management 50802  
transfer appropriation from any appropriation item used by the 50803  
Adjutant General to appropriation item 745407, National Guard 50804  
Benefits. Such amounts are hereby appropriated. The Adjutant 50805  
General may subsequently seek Controlling Board approval to 50806  
restore the appropriation in the appropriation item from which 50807  
such a transfer was made. 50808

For active duty members of the Ohio National Guard who died 50809  
after October 7, 2001, while performing active duty, the death 50810  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 50811  
paid to the beneficiary or beneficiaries designated on the 50812  
member's Servicemembers' Group Life Insurance Policy. 50813

OHIO CYBER RESERVE 50814

The foregoing appropriation item 745503, Ohio Cyber Reserve, 50815  
shall be used for purposes of providing support for the 50816  
administration of the Ohio Cyber Reserve, a civilian cyber reserve 50817  
force that is part of the Ohio organized militia, capable of being 50818  
expanded and trained to educate and protect all levels of state 50819  
government, critical infrastructure, and the citizens of this 50820  
state from cyberattacks and incidences under sections 5922.01, 50821  
5922.02, and 5922.08 of the Revised Code. 50822

OHIO CYBER RANGE 50823

The foregoing appropriation item 745504, Ohio Cyber Range, 50824  
shall be used for purposes of providing cyber training and 50825  
education to K-12 students, higher education students, members of 50826  
the Ohio National Guard, federal employees, and state and local 50827  
government employees, and provide for emergency preparedness 50828  
exercises and trainings. 50829

The Adjutant General's Department, in conjunction and 50830  
collaboration with the Department of Administrative Services, the 50831  
Department of Public Safety, the Department of Higher Education, 50832  
and the Department of Education shall establish and maintain a 50833  
cyber range. The Adjutant General's Department may work with 50834  
federal agencies to assist in accomplishing this objective. The 50835  
state agencies identified in this paragraph may procure any 50836  
necessary goods and services including, but not limited to, 50837  
contracted services, hardware, networking services, maintenance 50838  
costs, and the training and management costs of a cyber range. 50839  
These state agencies shall determine the amount of funds each 50840  
agency will contribute from available funds and appropriations 50841  
enacted herein in order to establish and maintain a cyber range. 50842

Of the foregoing appropriation item 745504, Ohio Cyber Range, 50843  
up to \$2,100,000 in each fiscal year shall be used by the Adjutant 50844  
General's Department for the purposes of establishing and 50845  
maintaining the cyber range. 50846

STATE ACTIVE DUTY 50847

Of the foregoing appropriation item 745505, State Active 50848  
Duty, \$50,000 in each fiscal year shall be used for the purpose of 50849  
paying expenses related to state active duty of members of the 50850  
Ohio organized militia, in accordance with a proclamation or order 50851  
of the Governor. Expenses include, but are not limited to, cost of 50852  
equipment, supplies, and services, as determined by the Adjutant 50853  
General. 50854

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 50855

General Revenue Fund 50856

GRF 100412 Unemployment Insurance \$ 1,550,000 \$ 1,560,000 50857

System Lease Rental

Payments

GRF	100413	EDCS Lease Rental	\$	13,280,000	\$	13,275,000	50858
		Payments					
GRF	100414	MARCS Lease Rental	\$	6,770,000	\$	6,770,000	50859
		Payments					
GRF	100415	OAKS Lease Rental	\$	2,450,000	\$	2,450,000	50860
		Payments					
GRF	100416	STARS Lease Rental	\$	5,000,000	\$	5,000,000	50861
		Payments					
GRF	100447	Administrative	\$	88,000,000	\$	85,000,000	50862
		Buildings Lease Rental					
		Bond Payments					
GRF	100456	State IT Services	\$	1,413,165	\$	1,424,551	50863
GRF	100459	Ohio Business Gateway	\$	13,527,621	\$	13,527,621	50864
GRF	100469	Aronoff Center	\$	222,121	\$	222,121	50865
		Building Maintenance					
GRF	100504	Central Warehouse	\$	3,789,000	\$	9,955,000	50866
GRF	130321	State Agency Support	\$	49,748,264	\$	25,474,994	50867
		Services					
TOTAL GRF		General Revenue Fund	\$	185,750,171	\$	164,659,287	50868
		Dedicated Purpose Fund Group					50869
5CV1	100671	Coronavirus Relief -	\$	6,000,000	\$	0	50870
		DAS					
5L70	100610	Professional	\$	1,650,000	\$	1,650,000	50871
		Development					
5MV0	100662	Theater Equipment	\$	50,000	\$	50,000	50872
		Maintenance					
5NM0	100663	911 Program	\$	586,070	\$	599,969	50873
5V60	100619	Employee Educational	\$	1,500,000	\$	1,600,000	50874
		Development					
TOTAL DPF		Dedicated Purpose Fund	\$	9,786,070	\$	3,899,969	50875
		Group					
		Internal Service Activity Fund Group					50876

1120	100616	DAS Administration	\$	13,253,998	\$	13,700,502	50877
1150	100632	Central Service Agency	\$	989,973	\$	1,013,812	50878
1170	100644	General Services	\$	25,686,811	\$	25,866,307	50879
		Division - Operating					
1220	100637	Fleet Management	\$	26,492,047	\$	28,792,538	50880
1250	100622	Human Resources	\$	18,718,045	\$	19,178,890	50881
		Division - Operating					
1250	100657	Benefits Communication	\$	615,521	\$	615,521	50882
1280	100620	Office of Collective Bargaining	\$	4,385,893	\$	4,385,893	50883
1300	100606	Risk Management Reserve	\$	17,904,121	\$	19,381,381	50884
1320	100631	DAS Building Management	\$	53,043,664	\$	53,323,205	50885
1330	100607	IT Services Delivery	\$	168,044,912	\$	173,182,510	50886
2100	100612	State Printing	\$	29,507,055	\$	28,719,641	50887
2290	100630	IT Governance	\$	30,073,302	\$	32,179,505	50888
2290	100640	Consolidated IT Purchases	\$	15,351,924	\$	15,351,924	50889
4270	100602	Investment Recovery	\$	1,664,257	\$	1,679,401	50890
4N60	100617	Major IT Purchases	\$	2,800,000	\$	2,800,000	50891
5C20	100605	MARCS Administration	\$	29,045,797	\$	30,882,138	50892
5EB0	100635	OAKS Support Organization	\$	58,738,136	\$	58,434,886	50893
5EB0	100656	OAKS Updates and Developments	\$	6,064,809	\$	6,146,812	50894
5JQ0	100658	Professionals Licensing System	\$	4,989,466	\$	5,111,024	50895
5KZ0	100659	Building Improvement	\$	1,675,000	\$	2,160,000	50896
5LJ0	100661	IT Development	\$	19,000,000	\$	16,500,000	50897
5PC0	100665	Enterprise Applications	\$	10,038,838	\$	10,601,983	50898
5WU0	100672	Ohio Benefits	\$	154,119,471	\$	154,276,578	50899

TOTAL ISA Internal Service Activity	\$			50900
Fund Group	\$	692,203,040	\$ 704,284,451	50901
Fiduciary Fund Group				50902
5UH0 100670 Enterprise	\$	1,150,000	\$ 1,150,000	50903
Transactions				
TOTAL FID Fiduciary Fund Group	\$	1,150,000	\$ 1,150,000	50904
Federal Fund Group				50905
3AJ0 100623 Information Technology	\$	10,000	\$ 10,000	50906
Grants				
TOTAL FED Federal Fund Group	\$	10,000	\$ 10,000	50907
TOTAL ALL BUDGET FUND GROUPS	\$	888,899,281	\$ 874,003,707	50908

**Section 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL** 50910  
**PAYMENTS** 50911

The foregoing appropriation item 100412, Unemployment 50912  
Insurance System Lease Rental Payments, shall be used to make 50913  
payments during the period from July 1, 2021, through June 30, 50914  
2023, pursuant to leases and agreements entered into under Chapter 50915  
125. of the Revised Code, as supplemented by Section 701.40 of 50916  
H.B. 529 of the 132nd General Assembly, with respect to financing 50917  
the costs associated with the acquisition, development, 50918  
implementation, and integration of the Unemployment Insurance 50919  
System. 50920

**EDCS LEASE RENTAL PAYMENTS** 50921

The foregoing appropriation item 100413, EDCS Lease Rental 50922  
Payments, shall be used to make payments during the period from 50923  
July 1, 2021, through June 30, 2023, pursuant to leases and 50924  
agreements entered into under Chapter 125. of the Revised Code, as 50925  
supplemented by Section 701.10 of H.B. 529 of the 132nd General 50926  
Assembly, as amended by Section 601.10 of H.B. 166 of the 133rd 50927  
General Assembly, and other prior acts of the General Assembly, 50928  
with respect to financing the costs associated with the 50929

acquisition, development, implementation, and integration of the 50930  
Enterprise Data Center Solutions (EDCS) information technology 50931  
initiative. 50932

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 50933

The foregoing appropriation item 100414, MARCS Lease Rental 50934  
Payments, shall be used to make payments during the period from 50935  
July 1, 2021, through June 30, 2023, pursuant to leases and 50936  
agreements entered into under Chapter 125. of the Revised Code, as 50937  
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 50938  
General Assembly and other prior acts of the General Assembly, 50939  
with respect to financing the costs associated with the 50940  
acquisition, development, implementation, and integration of the 50941  
Multi-Agency Radio Communications System (MARCS) upgrade. 50942

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 50943

The foregoing appropriation item 100415, OAKS Lease Rental 50944  
Payments, shall be used to make payments during the period from 50945  
July 1, 2021, through June 30, 2023, pursuant to leases and 50946  
agreements entered into under Chapter 125. of the Revised Code, as 50947  
supplemented by Section 701.10 of H.B. 529 of the 132nd General 50948  
Assembly and other prior acts of the General Assembly, with 50949  
respect to financing the costs associated with the acquisition, 50950  
development, implementation, and integration of the Ohio 50951  
Administrative Knowledge System (OAKS). 50952

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 50953  
PAYMENTS 50954

The foregoing appropriation item 100416, STARS Lease Rental 50955  
Payments, shall be used to make payments during the period from 50956  
July 1, 2021, through June 30, 2023, pursuant to leases and 50957  
agreements entered into under Chapter 125. of the Revised Code, as 50958  
supplemented by Section 701.30 of H.B. 529 of the 132nd General 50959  
Assembly and other prior acts of the General Assembly, with 50960

respect to financing the costs associated with the acquisition, 50961  
development, implementation, and integration of the State Taxation 50962  
Accounting and Revenue System (STARS). 50963

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 50964

The foregoing appropriation item 100447, Administrative 50965  
Buildings Lease Rental Bond Payments, shall be used to meet all 50966  
payments during the period from July 1, 2021, through June 30, 50967  
2023, by the Department of Administrative Services pursuant to 50968  
leases and agreements under Chapters 152. and 154. of the Revised 50969  
Code. These appropriations are the source of funds pledged for 50970  
bond service charges on related obligations issued under Chapters 50971  
152. and 154. of the Revised Code. 50972

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 50973

The Director of Administrative Services, in consultation with 50974  
the Multi-Agency Radio Communication System (MARCS) Steering 50975  
Committee and the Director of Budget and Management, shall 50976  
determine the share of debt service payments attributable to 50977  
spending for MARCS components that are not specific to any one 50978  
agency and that shall be charged to the Public Safety - Highway 50979  
Purposes Fund (Fund 5TM0). Such share of debt service payments 50980  
shall be calculated for MARCS capital disbursements made beginning 50981  
July 1, 1997. Within thirty days of any payment made from 50982  
appropriation item 100447, Administrative Buildings Lease Rental 50983  
Bond Payments, the Director of Administrative Services shall 50984  
certify to the Director of Budget and Management the amount of 50985  
this share. On or before June 30 of each fiscal year, the Director 50986  
of Budget and Management may transfer an amount up to the amount 50987  
certified for that fiscal year to the General Revenue Fund from 50988  
the Public Safety - Highway Purposes Fund (Fund 5TM0) established 50989  
in section 4501.06 of the Revised Code. 50990

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 50991

FUND 50992

The foregoing appropriation item 130321, State Agency Support 50993  
Services, may be used to provide funding for the cost of property 50994  
appraisals or building studies that the Department of 50995  
Administrative Services may be required to obtain for property 50996  
that is being sold by the state or property under consideration to 50997  
be renovated or purchased by the state. 50998

Notwithstanding section 125.28 of the Revised Code, the 50999  
foregoing appropriation item 130321, State Agency Support 51000  
Services, also may be used to pay the operating expenses of state 51001  
facilities maintained by the Department of Administrative Services 51002  
that are not billed to building tenants, or other costs associated 51003  
with the Voinovich Center in Youngstown, Ohio. These expenses may 51004  
include, but are not limited to, the costs for vacant space and 51005  
space undergoing renovation, and the rent expenses of tenants that 51006  
are relocated because of building renovations. These payments may 51007  
be processed by the Department of Administrative Services through 51008  
intrastate transfer vouchers and placed into the Building 51009  
Management Fund (Fund 1320). 51010

At least once per year, the portion of appropriation item 51011  
130321, State Agency Support Services, that is not used for the 51012  
regular expenses of the appropriation item may be processed by the 51013  
Department of Administrative Services through intrastate transfer 51014  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 51015

Of the foregoing appropriation item 130321, State Agency 51016  
Support Services, up to \$25,000,000 in fiscal year 2022 shall be 51017  
used by the Department of Administrative Services, in coordination 51018  
with the Department of Health, to support and or procure a 51019  
comprehensive and integrated technology solution to align data 51020  
systems and records and streamline timely data to improve and 51021  
enhance disease reporting and healthcare delivery across the 51022  
state. The system shall be developed with input from the 51023

Departments of Mental Health and Addiction Services, Job and 51024  
Family Services, Medicaid, and other state agencies, boards, and 51025  
commissions to ensure cross-agency system integration. On July 1, 51026  
2022, or as soon as possible thereafter, the Director of 51027  
Administrative Services may certify to the Director of Budget and 51028  
Management an amount up to the unexpended, unencumbered balance of 51029  
the foregoing appropriation item 130321, State Agency Support 51030  
Services, at the end of fiscal year 2022 to be reappropriated to 51031  
fiscal year 2023. The amount certified is hereby reappropriated to 51032  
the same appropriation item for fiscal year 2023. 51033

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 51034

Upon the request of the Director of Administrative Services, 51035  
the Director of Budget and Management may transfer unobligated 51036  
cash in the MARCS Administration Fund (Fund 5C20) to the General 51037  
Revenue Fund to reimburse the General Revenue Fund for lease 51038  
rental payments made on behalf of the MARCS upgrade. 51039

**Section 207.30.** PROFESSIONAL DEVELOPMENT FUND 51040

The foregoing appropriation item 100610, Professional 51041  
Development, shall be used to make payments from the Professional 51042  
Development Fund (Fund 5L70) under section 124.182 of the Revised 51043  
Code. If it is determined by the Director of Budget and Management 51044  
that additional amounts are necessary, the amounts are hereby 51045  
appropriated. 51046

911 PROGRAM 51047

The foregoing appropriation item 100663, 911 Program, shall 51048  
be used by the Department of Administrative Services to pay the 51049  
administrative, marketing, and educational costs of the Statewide 51050  
Emergency Services Internet Protocol Network program. 51051

EMPLOYEE EDUCATIONAL DEVELOPMENT 51052

The foregoing appropriation item 100619, Employee Educational 51053

Development, shall be used to make payments from the Employee 51054  
Educational Development Fund (Fund 5V60) under section 124.86 of 51055  
the Revised Code. The fund shall be used to pay the costs of 51056  
administering educational programs under existing collective 51057  
bargaining agreements with District 1199, the Health Care and 51058  
Social Service Union, Service Employees International Union; State 51059  
Council of Professional Educators; Ohio Education Association and 51060  
National Education Association; the Fraternal Order of Police 51061  
State of Ohio, Unit 2 Association; and the Ohio State Troopers 51062  
Association, Units 1 and 15. 51063

If it is determined by the Director of Budget and Management 51064  
that additional amounts are necessary, the amounts are hereby 51065  
appropriated. 51066

**Section 207.40. GENERAL SERVICE CHARGES** 51067

The Department of Administrative Services, with the approval 51068  
of the Director of Budget and Management, shall establish charges 51069  
for recovering the costs of administering the programs funded by 51070  
the General Services Fund (Fund 1170) and the State Printing Fund 51071  
(Fund 2100). 51072

**COLLECTIVE BARGAINING ARBITRATION EXPENSES** 51073

The Department of Administrative Services may seek 51074  
reimbursement from state agencies for the actual costs and 51075  
expenses the Department incurs in the collective bargaining 51076  
arbitration process. The reimbursements shall be processed through 51077  
intrastate transfer vouchers and credited to the Collective 51078  
Bargaining Fund (Fund 1280). 51079

**CONSOLIDATED IT PURCHASES** 51080

The foregoing appropriation item 100640, Consolidated IT 51081  
Purchases, shall be used by the Department of Administrative 51082  
Services acting as the purchasing agent for one or more government 51083

entities under the authority of division (G) of section 125.18 of 51084  
the Revised Code to make information technology purchases at a 51085  
lower aggregate cost than each individual government entity could 51086  
have obtained independently for that information technology 51087  
purchase. 51088

INVESTMENT RECOVERY FUND 51089

Notwithstanding division (B) of section 125.14 of the Revised 51090  
Code, cash balances in the Investment Recovery Fund (Fund 4270) 51091  
may be used to support the operating expenses of the Federal 51092  
Surplus Operating Program created in sections 125.84 to 125.90 of 51093  
the Revised Code. 51094

MAJOR IT PURCHASES CHARGES 51095

Upon the request of the Director of Administrative Services, 51096  
the Director of Budget and Management may transfer up to the 51097  
amount collected for statewide indirect costs attributable to debt 51098  
service paid for the enterprise data center solutions project from 51099  
the General Revenue Fund to the Major Information Technology 51100  
Purchases Fund (Fund 4N60). 51101

PROFESSIONS LICENSING SYSTEM 51102

The foregoing appropriation item, 100658, Ohio Professionals 51103  
Licensing System, shall be used to purchase the equipment, 51104  
products, and services necessary to update and maintain an 51105  
automated licensing system for the professional licensing boards. 51106

The Department of Administrative Services shall establish 51107  
charges for recovering the costs of ongoing maintenance of the 51108  
system that are not otherwise recovered under section 125.18 of 51109  
the Revised Code. The charges shall be billed to state agencies, 51110  
boards, and commissions using the state's enterprise electronic 51111  
licensing system and deposited via intrastate transfer vouchers to 51112  
the credit of the Professions Licensing System Fund (Fund 5JQ0). 51113

**Section 207.45.** BUILDING IMPROVEMENT FUND 51114

The foregoing appropriation item 100659, Building 51115  
Improvement, shall be used to make payments from the Building 51116  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 51117  
required in facilities maintained by the Department of 51118  
Administrative Services. The Department of Administrative Services 51119  
shall conduct or contract for regular assessments of these 51120  
buildings and may maintain a cash balance in Fund 5KZ0 equal to 51121  
the cost of the repairs and improvements that are recommended to 51122  
occur within the next five years, with the following exception 51123  
described below. 51124

Upon request of the Director of Administrative Services, the 51125  
Director of Budget and Management may permit a cash transfer from 51126  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 51127  
of operating and maintaining facilities managed by the Department 51128  
of Administrative Services that are not charged to tenants during 51129  
the same fiscal year. 51130

Should the cash balance in Fund 1320 be determined to be 51131  
sufficient, the Director of Administrative Services may request 51132  
that the Director of Budget and Management transfer cash from Fund 51133  
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 51134  
made under this section plus applicable interest. 51135

INFORMATION TECHNOLOGY DEVELOPMENT 51136

The foregoing appropriation item 100661, IT Development, 51137  
shall be used by the Department of Administrative Services to pay 51138  
the costs of modernizing the state's information technology 51139  
management and investment practices away from a limited, 51140  
agency-specific focus in favor of a statewide methodology 51141  
supporting development of enterprise solutions. This appropriation 51142  
item may be used to pay the costs of enterprise information 51143  
technology initiatives affecting state agencies or their 51144

customers. 51145

Notwithstanding any provision of law to the contrary, the 51146  
Department of Administrative Services, with the approval of the 51147  
Director of Budget and Management, may charge state agencies an 51148  
information technology development assessment based on state 51149  
agencies' information technology expenditures or other methodology 51150  
and may assess fees or charges to entities that are not state 51151  
agencies to offset the cost of specific technology events or 51152  
services. The revenue from these assessments, fees, or charges 51153  
shall be deposited into the Information Technology Development 51154  
Fund (Fund 5LJ0), which is hereby created. 51155

Upon the request of the Director of Administrative Services, 51156  
the Director of Budget and Management may transfer up to 51157  
\$6,000,000 in cash in each fiscal year from the General Revenue 51158  
Fund to the Information Technology Development Fund (Fund 5LJ0) to 51159  
support the operations of the Office of InnovateOhio. 51160

STATE EEO FUND 51161

Effective July 1, 2021, the Director of Budget and Management 51162  
shall cancel any existing encumbrances against appropriation item 51163  
100649, Equal Opportunity Division - Operating, and reestablish 51164  
them against appropriation item 100622, Human Resources Division - 51165  
Operating. The reestablished encumbrance amounts are hereby 51166  
appropriated. Any business commenced but not completed under 51167  
appropriation item 100649, Equal Opportunity Division - Operating, 51168  
by July 1, 2021, shall be completed under appropriation item 51169  
100622, Human Resources Division - Operating, in the same manner, 51170  
and with the same effect, as if completed with regard to 51171  
appropriation item 100649, Equal Opportunity Division - Operating. 51172

The Director of Budget and Management shall transfer the 51173  
amount of cash in the State EEO Fund (Fund 1880) that was received 51174  
from agencies for actual expenditures deposited to the credit of 51175

the State EEO Fund (Fund 1880) into the Human Resources Services Fund (Fund 1250). In order to facilitate this transfer, the Director of Administrative Services, on July 1, 2021, or as soon as possible thereafter, shall certify to the Director of Budget and Management the amount to be transferred.

ENTERPRISE APPLICATIONS

The foregoing appropriation item 100665, Enterprise Applications, shall be used for the operation and management of information technology applications that support state agencies' objectives. Charges billed to benefiting agencies shall be deposited to the credit of the Enterprise Applications Fund (Fund 5PC0).

**Section 207.50.** ENTERPRISE IT STRATEGY IMPLEMENTATION

The Director of Administrative Services shall determine and implement strategies that benefit the enterprise by improving efficiency, reducing costs, or enhancing capacity of information technology (IT) services. Such improvements and efficiencies may result in the consolidation and transfer of such services. As determined to be necessary for successful implementation of this section and notwithstanding any provision of law to the contrary, the Director of Administrative Services may request the Director of Budget and Management to consolidate or transfer IT-specific budget authority between agencies or within an agency as necessary to implement enterprise IT cost containment strategies and related efficiencies. Once the Director of Budget and Management is satisfied that the proposed initiative is cost advantageous to the enterprise, the Director of Budget and Management may transfer appropriations, funds, and cash as needed to implement the proposed initiative. The establishment of any new fund or additional appropriation as a result of this section shall be subject to Controlling Board approval.

The Director of Budget and Management and the Director of Administrative Services may transfer any employees, assets, and liabilities, including, but not limited to, records, contracts, and agreements in order to facilitate the improvements determined in accordance with this section.

						51207	
						51208	
						51209	
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						51211	
						51212	
						51213	
GRF	490321	Operating Expenses	\$	1,724,070	\$	1,745,504	51214
GRF	490410	Long-Term Care	\$	3,112,901	\$	3,112,901	51215
		Ombudsman					
GRF	490411	Senior Community	\$	8,723,995	\$	8,662,042	51216
		Services					
GRF	490414	Alzheimer's and Other	\$	2,495,245	\$	2,495,245	51217
		Dementia Respite					
GRF	490506	National Senior	\$	222,792	\$	222,792	51218
		Service Corps					
GRF	490507	Statewide Aging	\$	14,000,000	\$	9,000,000	51219
		Initiatives					
GRF	656423	Long-Term Care Budget	\$	5,154,308	\$	5,194,827	51220
		- State					
TOTAL GRF		General Revenue Fund	\$	35,433,311	\$	30,433,311	51221
							51222
4800	490606	Senior Community	\$	385,964	\$	380,761	51223
		Outreach and					
		Education					
4C40	490609	Regional Long-Term	\$	1,000,000	\$	1,000,000	51224
		Care Ombudsman					
		Program					
5BA0	490620	Ombudsman Support	\$	1,532,273	\$	1,532,919	51225
5K90	490613	Long-Term Care	\$	401,640	\$	1,427,072	51226
		Consumers Guide					

5MT0	490627	Board of Executives of Long-Term Services and Supports	\$	750,838	\$	761,056	51227
5T40	656625	Health Care Grants - State	\$	200,000	\$	200,000	51228
5TI0	656624	Provider Certification	\$	120,000	\$	120,000	51229
5W10	490616	Resident Services Coordinator Program	\$	344,934	\$	345,050	51230
TOTAL DPF		Dedicated Purpose					51231
Fund Group			\$	4,735,649	\$	5,766,858	51232
Federal Fund Group							51233
3220	490618	Federal Aging Grants	\$	9,435,514	\$	8,860,830	51234
3C40	656623	Long Term Care Budget - Federal	\$	4,790,982	\$	4,839,274	51235
3M40	490612	Federal Independence Services	\$	62,630,274	\$	57,726,103	51236
TOTAL FED		Federal Fund Group	\$	76,856,770	\$	71,426,207	51237
TOTAL ALL BUDGET		FUND GROUPS	\$	117,025,730	\$	107,626,376	51238

**Section 209.20. LONG-TERM CARE** 51240

Pursuant to an interagency agreement, the Department of 51241  
 Medicaid may designate the Department of Aging to perform 51242  
 assessments under section 5165.04 of the Revised Code. The 51243  
 Department of Aging shall provide long-term care consultations 51244  
 under section 173.42 of the Revised Code to assist individuals in 51245  
 planning for their long-term health care needs. 51246

The Department of Aging shall administer the Medicaid 51247  
 waiver-funded PASSPORT Home Care Program, the Assisted Living 51248  
 Program, and PACE as delegated by the Department of Medicaid in an 51249  
 interagency agreement. 51250

**PERFORMANCE-BASED REIMBURSEMENT** 51251

The Department of Aging may design and utilize a payment 51252  
method for PASSPORT administrative agency operations that includes 51253  
a pay-for-performance incentive component that is earned by a 51254  
PASSPORT administrative agency when defined consumer and policy 51255  
outcomes are achieved. 51256

**Section 209.30. MYCARE OHIO** 51257

The authority of the Office of the State Long-Term Care 51258  
Ombudsman as described in sections 173.14 to 173.28 of the Revised 51259  
Code extends to MyCare Ohio during the period of the federal 51260  
financial alignment demonstration program. 51261

**SENIOR COMMUNITY SERVICES** 51262

The foregoing appropriation item 490411, Senior Community 51263  
Services, may be used for programs, services, and activities 51264  
designated by the Department of Aging, including, but not limited 51265  
to, home-delivered meals, congregate dining, transportation, 51266  
personal care, respite, adult day services, home maintenance and 51267  
chores, minor home modification, care coordination, evidence-based 51268  
disease prevention and health promotion, and decision support 51269  
systems. Funds may also be used to provide grants to community 51270  
organizations to support and expand older adult programming. 51271  
Services priority shall be given to low-income, high-need persons, 51272  
and/or persons with a cognitive impairment who are sixty years of 51273  
age or over. 51274

**NATIONAL SENIOR SERVICE CORPS** 51275

The foregoing appropriation item 490506, National Senior 51276  
Service Corps, may be used by the Department of Aging to fund 51277  
grants to organizations that receive federal funds from the 51278  
Corporation for National and Community Service to support the 51279  
following Senior Corps programs: the Foster Grandparents Program, 51280  
the Senior Companion Program, and the Retired Senior Volunteer 51281

Program. A recipient of these grant funds shall use the funds to 51282  
support priorities established by the Department and the Ohio 51283  
State Office of the Corporation for National and Community 51284  
Service. Neither the Department nor any area agencies on aging 51285  
that are involved in the distribution of these funds to 51286  
lower-tiered grant recipients may use any portion of these funds 51287  
to cover administrative costs. 51288

STATEWIDE AGING INITIATIVES 51289

Of the foregoing appropriation item 490507, Statewide Aging 51290  
Initiatives, up to \$5,000,000 in fiscal year 2022 shall be used in 51291  
coordination with the Department of Health to incentivize quality 51292  
improvement initiatives in or regarding long-term care facilities 51293  
or to connect long-term care facilities with technical assistance 51294  
programming that includes training on infection control, elder 51295  
abuse, or other topics identified by the Department of Health and 51296  
informed by trends in citation data from the Bureau of Nursing 51297  
Home Survey and Certification. 51298

On July 1, 2022, or as soon as possible thereafter, the 51299  
Director of Aging may certify to the Director of Budget and 51300  
Management an amount up to the unexpended, unencumbered balance of 51301  
the foregoing appropriation item 490507, Statewide Aging 51302  
Initiatives, at the end of fiscal year 2022 to be reappropriated 51303  
to fiscal year 2023. The amount certified is hereby reappropriated 51304  
to the same appropriation item for fiscal year 2023. 51305

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 51306

The foregoing appropriation item 490627, Board of Executives 51307  
of Long-Term Services and Supports, may be used by the Board of 51308  
Executives of Long-Term Services and Supports to administer and 51309  
enforce Chapter 4751. of the Revised Code and rules adopted under 51310  
it. 51311

<b>Section 211.10. AGR DEPARTMENT OF AGRICULTURE</b>				51312
General Revenue Fund				51313
GRF 700401	Animal Health Programs	\$ 4,517,266	\$ 4,388,181	51314
GRF 700403	Dairy Division	\$ 1,292,929	\$ 1,342,866	51315
GRF 700404	Ohio Proud	\$ 102,734	\$ 105,096	51316
GRF 700406	Consumer Protection Lab	\$ 1,467,261	\$ 1,389,965	51317
GRF 700407	Food Safety	\$ 1,376,113	\$ 1,408,710	51318
GRF 700409	Farmland Preservation	\$ 7,350,664	\$ 352,331	51319
GRF 700410	Plant Industry	\$ 151,708	\$ 155,449	51320
GRF 700412	Weights and Measures	\$ 631,487	\$ 631,487	51321
GRF 700415	Poultry Inspection	\$ 832,288	\$ 851,470	51322
GRF 700417	Soil and Water Phosphorus Program	\$ 10,700,000	\$ 10,700,000	51323
GRF 700418	Livestock Regulation Program	\$ 1,281,483	\$ 1,325,467	51324
GRF 700424	Livestock Testing and Inspections	\$ 119,843	\$ 122,240	51325
GRF 700426	Dangerous and Restricted Animals	\$ 618,447	\$ 631,310	51326
GRF 700427	High Volume Breeder Kennel Control	\$ 1,269,865	\$ 1,300,401	51327
GRF 700428	Soil and Water Division	\$ 3,658,683	\$ 3,658,683	51328
GRF 700499	Meat Inspection Program - State Share	\$ 6,485,605	\$ 6,672,501	51329
GRF 700501	County Agricultural Societies	\$ 379,673	\$ 379,673	51330
GRF 700509	Soil and Water District Support	\$ 11,760,000	\$ 11,760,000	51331
GRF 700511	Ride Inspection	\$ 900,000	\$ 600,000	51332
GRF 700674	Hemp Production	195,000	195,000	51333

TOTAL GRF	General Revenue Fund	\$	55,091,049	\$	47,970,830	51334	
Dedicated Purpose Fund Group						51335	
4900	700651	License Plates -	\$	17,500	\$	17,500	51336
		Sustainable					
		Agriculture					
4940	700612	Agricultural	\$	240,000	\$	240,000	51337
		Commodity Marketing					
		Program					
4960	700626	Ohio Grape Industries	\$	1,550,000	\$	1,550,000	51338
4970	700627	Grain Warehouse	\$	425,000	\$	425,000	51339
		Program					
4C90	700605	Commercial Feed and	\$	2,326,251	\$	2,326,251	51340
		Seed					
4D20	700609	Auction Education	\$	50,000	\$	50,000	51341
4E40	700606	Utility Radiological	\$	101,130	\$	101,130	51342
		Safety					
4P70	700610	Food Safety	\$	1,071,208	\$	1,096,240	51343
		Inspection					
4R00	700636	Ohio Proud Marketing	\$	30,500	\$	30,500	51344
4R20	700637	Dairy Industry	\$	1,832,950	\$	1,832,950	51345
		Inspection					
4T60	700611	Poultry and Meat	\$	100,000	\$	100,000	51346
		Inspection					
5780	700620	Ride Inspection	\$	700,000	\$	1,200,000	51347
5B80	700629	Auctioneers	\$	361,450	\$	361,450	51348
5BV0	700660	Heidelberg Water	\$	275,000	\$	275,000	51349
		Quality Lab					
5BV0	700661	Soil and Water	\$	8,000,000	\$	8,000,000	51350
		Districts					
5CV1	700672	Coronavirus Relief -	\$	1,000,000	\$	0	51351
		Local Fairs					
5FC0	700648	Plant Pest Program	\$	1,554,599	\$	1,590,615	51352
5H20	700608	Metrology Lab and	\$	975,000	\$	975,000	51353

		Scale Certification					
5L80	700604	Livestock Management	\$	245,000	\$	245,000	51354
		Program					
5MA0	700657	Dangerous and	\$	10,000	\$	10,000	51355
		Restricted Animals					
5MR0	700658	High Volume Breeders	\$	460,000	\$	460,000	51356
		and Kennels					
5MS0	700659	Captive Deer	\$	18,000	\$	18,000	51357
5PL0	700662	Pet Store License	\$	30,000	\$	30,000	51358
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000	51359
5WJ0	700671	Hemp Program	\$	1,006,000	\$	1,006,000	51360
6520	700634	Animal, Consumer, and	\$	5,840,522	\$	5,962,715	51361
		ATL Labs					
6690	700635	Pesticide,	\$	4,894,402	\$	4,894,402	51362
		Fertilizer, and Lime					
		Inspection Program					
6H20	700670	H2Ohio	\$	49,300,000	\$	49,300,000	51363
TOTAL DPF Dedicated Purpose							51364
Fund Group			\$	82,929,512	\$	82,612,753	51365
Internal Service Activity Fund Group							51366
5DA0	700644	Laboratory	\$	1,204,626	\$	1,204,626	51367
		Administration					
		Support					
5GH0	700655	Administrative	\$	5,677,844	\$	5,813,996	51368
		Support					
TOTAL ISA Internal Service Activity							51369
Fund Group			\$	6,882,470		7,018,622	51370
Capital Projects Fund Group							51371
7057	700632	Clean Ohio	\$	610,000	\$	610,000	51372
		Agricultural Easement					
		Operating					
TOTAL CPF Capital Projects Fund			\$	610,000	\$	610,000	51373

Group

Federal Fund Group					51374	
3260 700618	Meat Inspection	\$	5,194,424	\$	5,194,424	51375
	Program - Federal					
	Share					
3360 700617	Ohio Farm Loan -	\$	225,000	\$	225,000	51376
	Revolving					
3820 700601	Federal Cooperative	\$	7,000,000	\$	7,000,000	51377
	Contracts					
3AB0 700641	Agricultural Easement	\$	330,000	\$	330,000	51378
3J40 700607	Federal	\$	1,237,587	\$	1,264,214	51379
	Administrative					
	Programs					
3R20 700614	Federal Plant	\$	7,295,972	\$	7,295,972	51380
	Industry					
TOTAL FED	Federal Fund Group	\$	21,282,983	\$	21,309,610	51381
TOTAL ALL BUDGET	FUND GROUPS	\$	166,796,014	\$	159,521,815	51382

**Section 211.20. FARMLAND PRESERVATION** 51384

Of the foregoing appropriation item 700409, Farmland 51385  
 Preservation, \$7,000,000 in fiscal year 2022 shall be used to 51386  
 purchase agricultural easements under division (A) of section 51387  
 5301.691 of the Revised Code and provide matching grants under 51388  
 section 901.22 of the Revised Code to municipal corporations, 51389  
 counties, townships, soil and water conservation districts 51390  
 established under Chapter 940. of the Revised Code, and charitable 51391  
 organizations described in division (B) of section 5301.69 of the 51392  
 Revised Code for the purchase of agricultural easements. 51393

**SOIL AND WATER PHOSPHORUS PROGRAM** 51394

The Department of Agriculture shall establish programs to 51395  
 assist in reducing total phosphorus and dissolved reactive 51396  
 phosphorus in the Western Lake Erie Basin. The programs shall give 51397

priority to those subwatersheds determined to be highest in total phosphorus and dissolved reactive phosphorus nutrient loading. 51398  
51399

The foregoing appropriation item 700417, Soil and Water Phosphorus Program, shall be used to support the programs described above, which may include but not be limited to, the following: (1) equipment for subsurface placement of nutrients into the soil; (2) equipment for nutrient placement based on geographic information system data; (3) soil testing; (4) implementation of variable rate technology; (5) equipment implementing manure transformation and manure conversion technologies; (6) tributary monitoring; (7) water management and edge-of-field drainage management; and (8) an agricultural phosphorus reduction revolving loan program. Not more than forty per cent of the foregoing appropriation item 700417, Soil and Water Phosphorus Program, shall be used for any single activity. 51400  
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DANGEROUS AND RESTRICTED WILD ANIMALS 51413

The foregoing appropriation item 700426, Dangerous and Restricted Animals, shall be used to administer the Dangerous and Restricted Wild Animal Permitting Program. 51414  
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COUNTY AGRICULTURAL SOCIETIES 51417

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities. 51418  
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SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE BASIN 51422  
51423

Of the foregoing appropriation item 700509, Soil and Water District Support, \$350,000 in each fiscal year shall be used by the Department of Agriculture for a program to support soil and water conservation districts in the Western Lake Erie Basin in complying with provisions of Sub. S.B. 1 of the 131st General 51424  
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Assembly. The Department shall approve a soil and water district's 51429  
application for funding under the program if the application 51430  
demonstrates that funding will be used for, but not limited to, 51431  
providing technical assistance, developing applicable nutrient or 51432  
manure management plans, hiring and training of soil and water 51433  
conservation district staff on best conservation practices, or 51434  
other activities the Director determines appropriate to assist 51435  
farmers in the Western Lake Erie Basin in complying with the 51436  
provisions of Sub. S.B. 1 of the 131st General Assembly. 51437

Of the foregoing appropriation item 700509, Soil and Water 51438  
District Support, \$3,500,000 in each fiscal year shall be used to 51439  
support county soil and water conservation districts in the 51440  
Western Lake Erie Basin for staffing costs and to assist in soil 51441  
testing and nutrient management plan development, including manure 51442  
transformation and manure conversion technologies, enhanced filter 51443  
strips, water management, and other conservation support. 51444

SOIL AND WATER DISTRICTS 51445

In addition to state payments to soil and water conservation 51446  
districts authorized by section 940.15 of the Revised Code, the 51447  
Department of Agriculture may use appropriation item 700661, Soil 51448  
and Water Districts, to pay any soil and water conservation 51449  
district an annual amount not to exceed \$40,000 upon receipt of a 51450  
request and justification from the district and approval by the 51451  
Ohio Soil and Water Conservation Commission. The county auditor 51452  
shall credit the payments to the special fund established under 51453  
section 940.12 of the Revised Code for use by the local soil and 51454  
water conservation district. The amounts received by each district 51455  
shall be expended for the purposes of the district. 51456

CORONAVIRUS - LOCAL FAIRS 51457

The foregoing appropriation item 700672, Coronavirus Relief - 51458  
Local Fairs, shall be used to support safety in connection with 51459

the Ohio State Fair in fiscal year 2022.				51460	
H2OHIO FUND				51461	
On July 1, 2022, or as soon as possible thereafter, the				51462	
Director of Agriculture may certify to the Director of Budget and				51463	
Management an amount up to the unexpended, unencumbered balance of				51464	
the foregoing appropriation item, 700670, H2Ohio, at the end of				51465	
fiscal year 2022 to be reappropriated in fiscal year 2023. The				51466	
amount certified is hereby reappropriated to the same				51467	
appropriation item for fiscal year 2023.				51468	
CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES				51469	
The foregoing appropriation item 700632, Clean Ohio				51470	
Agricultural Easement Operating, shall be used by the Department				51471	
of Agriculture in administering Clean Ohio Agricultural Easement				51472	
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and				51473	
5301.67 to 5301.70 of the Revised Code.				51474	
CASH TRANSFER TO AUCTIONEERS FUND				51475	
On or before December 31, 2021, upon the request of the				51476	
Director of Agriculture, the Director of Budget and Management may				51477	
transfer up to \$300,000 in cash from the Auction Recovery Fund				51478	
(5U10) to the Auctioneers Fund (5B80).				51479	
<b>Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY</b>				51480	
Dedicated Purpose Fund Group				51481	
4Z90 898602 Small Business	\$	209,000	\$	211,000	51482
Ombudsman					
5700 898601 Operating Expenses	\$	774,811	\$	783,347	51483
5A00 898603 Small Business	\$	300,000	\$	300,000	51484
Assistance					
TOTAL DPF Dedicated Purpose Fund	\$	1,283,811	\$	1,294,347	51485
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,283,811	\$	1,294,347	51486

<b>Section 213.20.</b>	REIMBURSEMENT TO AIR QUALITY DEVELOPMENT				51488
	AUTHORITY TRUST ACCOUNT				51489
	Notwithstanding any other provision of law to the contrary,				51490
	the Air Quality Development Authority may reimburse the Air				51491
	Quality Development Authority trust account established under				51492
	section 3706.10 of the Revised Code from all operating funds of				51493
	the agency for expenses pertaining to the administration and				51494
	shared costs incurred by the Air Quality Development Authority in				51495
	the execution of responsibilities as prescribed in Chapter 3706.				51496
	of the Revised Code. The reimbursement shall be made by voucher.				51497
<b>Section 215.10.</b>	ARC ARCHITECTS BOARDS				51498
	Dedicated Purpose Fund Group				51499
	4K90 891609 Operating	\$	633,410	\$	644,408
	TOTAL DPF Dedicated Purpose Fund				51501
	Group	\$	633,410	\$	644,408
	TOTAL ALL BUDGET FUND GROUPS	\$	633,410	\$	644,408
					51503
<b>Section 217.10.</b>	ART OHIO ARTS COUNCIL				51505
	General Revenue Fund				51506
	GRF 370321 Operating Expenses	\$	1,961,700	\$	1,961,700
	GRF 370502 State Program	\$	14,469,213	\$	14,469,213
	Subsidies				
	TOTAL GRF General Revenue Fund	\$	16,430,913	\$	16,430,913
	Dedicated Purpose Fund Group				51510
	4600 370602 Arts Council Program	\$	385,000	\$	385,000
	Support				
	4B70 370603 Percent for Art	\$	165,000	\$	165,000
	Acquisitions				
	TOTAL DPF Dedicated Purpose Fund	\$	550,000	\$	550,000
	Group				51513

Federal Fund Group				51514
3140 370601 Federal Support	\$	1,250,000	\$ 1,250,000	51515
TOTAL FED Federal Fund Group	\$	1,250,000	\$ 1,250,000	51516
TOTAL ALL BUDGET FUND GROUPS	\$	18,230,913	\$ 18,230,913	51517

FEDERAL SUPPORT 51518

Notwithstanding any provision of law to the contrary, the 51519  
foregoing appropriation item 370601, Federal Support, shall be 51520  
used by the Ohio Arts Council for subsidies only, and not for its 51521  
administrative costs, unless the Council is required to use a 51522  
portion of the funds for administrative costs under conditions of 51523  
the federal grant. 51524

**Section 219.10. ATH ATHLETIC COMMISSION** 51525

Dedicated Purpose Fund Group				51526
4K90 175609 Operating Expenses	\$	280,501	\$ 275,423	51527
TOTAL DPF Dedicated Purpose Fund Group	\$	280,501	\$ 275,423	51528
TOTAL ALL BUDGET FUND GROUPS	\$	280,501	\$ 275,423	51529

**Section 221.10. AGO ATTORNEY GENERAL** 51531

General Revenue Fund				51532
GRF 055321 Operating Expenses	\$	63,100,000	\$ 63,930,000	51533
GRF 055405 Law-Related Education	\$	68,950	\$ 68,950	51534
GRF 055406 BCIRS Lease Rental	\$	2,525,000	\$ 2,520,000	51535
Payments				
GRF 055411 County Sheriffs' Pay Supplement	\$	1,024,983	\$ 1,043,558	51536
GRF 055415 County Prosecutors' Pay Supplement	\$	1,317,602	\$ 1,340,208	51537
GRF 055431 Drug Abuse Response Team Grants	\$	1,500,000	\$ 1,500,000	51538
GRF 055432 Drug Testing	\$	964,100	\$ 964,100	51539

		Equipment				
GRF	055434	ICAC Task Force	\$	500,000	\$	500,000 51540
GRF	055501	Rape Crisis Centers	\$	4,800,000	\$	4,800,000 51541
GRF	055502	School Safety	\$	12,000,000	\$	12,000,000 51542
		Training Grants				
GRF	055504	Domestic Violence	\$	1,000,000	\$	1,000,000 51543
		Programs				
TOTAL GRF		General Revenue Fund	\$	88,800,635	\$	89,666,816 51544
		Dedicated Purpose Fund Group				51545
1060	055612	Attorney General	\$	72,700,000	\$	72,700,000 51546
		Operating				
4020	055616	Victims of Crime	\$	16,500,000	\$	16,500,000 51547
4170	055621	Domestic Violence	\$	25,000	\$	25,000 51548
		Shelter				
4180	055615	Charitable	\$	8,286,000	\$	8,286,000 51549
		Foundations				
4190	055623	Claims Section	\$	40,000,000	\$	42,000,000 51550
4210	055617	Police Officers'	\$	1,500,000	\$	1,500,000 51551
		Training Academy Fee				
4L60	055606	DARE Programs	\$	2,900,000	\$	2,900,000 51552
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751 51553
4Z20	055609	BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000 51554
		and Cost				
		Reimbursement				
5900	055633	Peace Officer Private	\$	95,325	\$	95,325 51555
		Security Training				
5A90	055618	Telemarketing Fraud	\$	10,000	\$	10,000 51556
		Enforcement				
5LR0	055655	Peace Officer	\$	4,700,000	\$	4,700,000 51557
		Training - Casino				
5TL0	055659	Organized Crime Law	\$	100,000	\$	100,000 51558
		Enforcement Trust				
6310	055637	Consumer Protection	\$	9,276,000	\$	9,276,000 51559

		Enforcement				
6590	055641	Solid and Hazardous	\$	328,728	\$	328,728 51560
		Waste Background				
		Investigations				
U087	055402	Tobacco Settlement	\$	2,650,000	\$	2,650,000 51561
		Oversight,				
		Administration, and				
		Enforcement				
TOTAL DPF Dedicated Purpose Fund						51562
Group			\$	161,084,804	\$	163,084,804 51563
Internal Service Activity Fund Group						51564
1950	055660	Workers' Compensation	\$	9,115,000	\$	9,115,000 51565
		Section				
TOTAL ISA Internal Service Activity						51566
Fund Group			\$	9,115,000	\$	9,115,000
Holding Account Fund Group						51567
R004	055631	General Holding	\$	1,000,000	\$	1,000,000 51568
		Account				
R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000 51569
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000 51570
R042	055601	Organized Crime	\$	750,000	\$	750,000 51571
		Commission				
		Distributions				
R054	055650	Collection Payment	\$	4,500,000	\$	4,500,000 51572
		Redistribution				
TOTAL HLD Holding Account						51573
Fund Group			\$	8,250,000	\$	8,250,000 51574
Federal Fund Group						51575
3060	055620	Medicaid Fraud	\$	13,561,582	\$	13,561,582 51576
		Control				
3830	055634	Crime Victims	\$	90,000,000	\$	90,000,000 51577
		Assistance				

3E50	055638	Attorney General	\$	4,020,999	\$	4,020,999	51578
		Pass-Through Funds					
3FV0	055656	Crime Victim	\$	5,000,000	\$	5,000,000	51579
		Compensation					
3R60	055613	Attorney General	\$	3,500,000	\$	3,500,000	51580
		Federal Funds					
TOTAL FED	Federal Fund Group		\$	116,082,581	\$	116,082,581	51581
TOTAL ALL BUDGET FUND GROUPS			\$	383,333,020	\$	386,199,201	51582

**Section 221.20.** OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 51584  
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Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 51586  
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DOMESTIC VIOLENCE PROGRAM 51593

Of the foregoing appropriation item 055321, Operating Expenses, \$100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code. 51594  
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NARCOTICS TASK FORCES 51598

Of the foregoing appropriation item 055321, Operating Expenses, up to \$500,000 in each fiscal year shall be used to support narcotics task forces funded by the Attorney General. 51599  
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BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE RENTAL PAYMENTS 51602  
51603

The foregoing appropriation item 055406, BCIRS Lease Rental Payments, shall be used for payments during the period from July 51604  
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1, 2021, through June 30, 2023, pursuant to leases and agreements 51606  
entered into pursuant to Section 701.40 of S.B. 310 of the 131st 51607  
General Assembly and other prior acts of the General Assembly, 51608  
with respect to financing the costs associated with the 51609  
acquisition, development, implementation, and integration of the 51610  
BCIRS. 51611

COUNTY SHERIFFS' PAY SUPPLEMENT 51612

The foregoing appropriation item 055411, County Sheriffs' Pay 51613  
Supplement, shall be used for the purpose of supplementing the 51614  
annual compensation of county sheriffs as required by section 51615  
325.06 of the Revised Code. 51616

At the request of the Attorney General, the Director of 51617  
Budget and Management may transfer appropriation from 51618  
appropriation item 055321, Operating Expenses, to appropriation 51619  
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 51620  
transferred shall be used to supplement the annual compensation of 51621  
county sheriffs as required by section 325.06 of the Revised Code. 51622

COUNTY PROSECUTORS' PAY SUPPLEMENT 51623

The foregoing appropriation item 055415, County Prosecutors' 51624  
Pay Supplement, shall be used for the purpose of supplementing the 51625  
annual compensation of certain county prosecutors as required by 51626  
section 325.111 of the Revised Code. 51627

At the request of the Attorney General, the Director of 51628  
Budget and Management may transfer appropriation from 51629  
appropriation item 055321, Operating Expenses, to appropriation 51630  
item 055415, County Prosecutors' Pay Supplement. Any appropriation 51631  
so transferred shall be used to supplement the annual compensation 51632  
of county prosecutors as required by section 325.111 of the 51633  
Revised Code. 51634

DRUG TESTING EQUIPMENT 51635

The foregoing appropriation item 055432, Drug Testing Equipment, shall be used to purchase drug testing equipment for the Bureau of Criminal Identification and Investigation.

ICAC TASK FORCE

The foregoing appropriation item 055434, ICAC Task Force, shall be used by the Attorney General in support of the Ohio Internet Crimes Against Children Task Force for the purposes described in section 195.02 of the Revised Code.

**Section 221.30. BATTERED WOMEN'S SHELTER**

Of the foregoing appropriation item 055501, Rape Crisis Centers, \$50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for the cost of operating the commercial kitchen located at its Market Street Facility, and \$50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Portage County.

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM

Of the foregoing appropriation item 055501, Rape Crisis Centers, \$300,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for expenses related to the creation and implementation of a pilot program called "Finding my Childhood Again."

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM

The Attorney General shall maintain the Drug Abuse Response Team Grant Program for the purpose of replicating or expanding successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department, and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County. Any grants awarded by this grant program may include requirements for private or

nonprofit matching support. 51666

The foregoing appropriation item 055431, Drug Abuse Response Team Grants, shall be used by the Attorney General to fund grants to law enforcement or other government agencies; the primary purpose of the grants shall be to replicate or expand successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County. 51667  
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Each recipient of a grant under this program shall, within six months of the end date of the grant, submit a written report describing the outcomes that resulted from the grant to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives. 51676  
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SCHOOL SAFETY TRAINING GRANTS 51682

(A) The foregoing appropriation item 055502, School Safety Training Grants, shall be used by the Attorney General, in consultation with the Superintendent of Public Instruction and the Director of Mental Health and Addiction Services, solely to make grants to public and chartered nonpublic schools, educational service centers, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services programs pursuant to section 5126.05 of the Revised Code for school safety and school climate programs and training. 51683  
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(B) The use of the grants includes, but is not limited to, all of the following: 51693  
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(1) The support of school resource officer certification training; 51695  
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(2) Any type of active shooter and school safety training or equipment;	51697 51698
(3) All grade level type educational resources;	51699
(4) Training to identify and assist students with mental health issues;	51700 51701
(5) School supplies or equipment related to school safety or for implementing the school's safety plan;	51702 51703
(6) Any other training related to school safety.	51704
(C) The schools, educational service centers, and county boards shall work or contract with the county sheriff's office or a local police department in whose jurisdiction they are located to develop the programs and training described in divisions (B)(1), (2), (3), (5), and (6) of this section. Any grant awarded directly to a local law enforcement agency shall not be used to fund a similar request made by a school located within the jurisdiction of the local law enforcement agency.	51705 51706 51707 51708 51709 51710 51711 51712
(D) As used in this section, "public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code.	51713 51714 51715 51716 51717
DOMESTIC VIOLENCE PROGRAMS	51718
The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.	51719 51720 51721 51722
WORKERS' COMPENSATION SECTION	51723
The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal	51724 51725 51726

services provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the fiscal year. 51727  
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In addition, the Bureau of Workers' Compensation shall 51729  
transfer payments for the support of the Workers' Compensation 51730  
Fraud Unit. 51731

All amounts shall be mutually agreed upon by the Attorney 51732  
General, the Bureau of Workers' Compensation, and the Ohio 51733  
Industrial Commission. 51734

GENERAL HOLDING ACCOUNT 51735

The foregoing appropriation item 055631, General Holding 51736  
Account, shall be used to distribute moneys under the terms of 51737  
relevant court orders or other settlements received in a variety 51738  
of cases involving the Office of the Attorney General. If it is 51739  
determined that additional amounts are necessary for this purpose, 51740  
the amounts are hereby appropriated. 51741

ANTITRUST SETTLEMENTS 51742

The foregoing appropriation item 055632, Antitrust 51743  
Settlements, shall be used to distribute moneys under the terms of 51744  
relevant court orders or other out-of-court settlements in 51745  
antitrust cases or antitrust matters involving the Office of the 51746  
Attorney General. If it is determined that additional amounts are 51747  
necessary for this purpose, the amounts are hereby appropriated. 51748

CONSUMER FRAUDS 51749

The foregoing appropriation item 055630, Consumer Frauds, 51750  
shall be used for distribution of moneys from court-ordered 51751  
judgments against sellers in actions brought by the Office of the 51752  
Attorney General under sections 1334.08 and 4549.48 and division 51753  
(B) of section 1345.07 of the Revised Code. These moneys shall be 51754  
used to provide restitution to consumers victimized by the fraud 51755  
that generated the court-ordered judgments. If it is determined 51756

that additional amounts are necessary for this purpose, the 51757  
amounts are hereby appropriated. 51758

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 51759

The foregoing appropriation item 055601, Organized Crime 51760  
Commission Distributions, shall be used by the Organized Crime 51761  
Investigations Commission, as provided by section 177.011 of the 51762  
Revised Code, to reimburse political subdivisions for the expenses 51763  
the political subdivisions incur when their law enforcement 51764  
officers participate in an organized crime task force. If it is 51765  
determined that additional amounts are necessary for this purpose, 51766  
the amounts are hereby appropriated. 51767

COLLECTION PAYMENT REDISTRIBUTION 51768

The foregoing appropriation item 055650, Collection Payment 51769  
Redistribution, shall be used for the purpose of allocating the 51770  
revenue where debtors mistakenly paid the client agencies instead 51771  
of the Attorney General's Collections Enforcement Section. If it 51772  
is determined that additional amounts are necessary for this 51773  
purpose, the amounts are hereby appropriated. 51774

**Section 223.10.** AUD AUDITOR OF STATE 51775

General Revenue Fund 51776

GRF 070401 Audit Management and \$ 12,046,143 \$ 12,344,795 51777  
Services

GRF 070402 Performance Audits \$ 1,950,971 \$ 1,977,596 51778

GRF 070403 Fiscal \$ 550,000 \$ 550,000 51779  
Watch/Emergency

Technical Assistance

GRF 070404 Fraud/Corruption \$ 2,400,000 \$ 2,400,000 51780

Audits and

Investigations

GRF 070412 Local Government \$ 13,200,000 \$ 13,200,000 51781

Audit Support			
TOTAL GRF General Revenue Fund	\$	30,147,114	\$ 30,472,391 51782
Dedicated Purpose Fund Group			51783
1090 070601 Public Audit Expense	\$	11,818,035	\$ 11,065,646 51784
- Intrastate			
4220 070602 Public Audit Expense	\$	33,931,168	\$ 32,983,559 51785
- Local Government			
5840 070603 Training Program	\$	200,000	\$ 200,000 51786
5JZ0 070606 LEAP Revolving Loans	\$	125,000	\$ 125,000 51787
5VP0 070611 Local Government	\$	12,215,435	\$ 13,905,599 51788
Audit Support Fund			
6750 070605 Uniform Accounting	\$	4,142,777	\$ 5,705,108 51789
Network			
TOTAL DPF Dedicated Purpose Fund			51790
Group	\$	62,432,415	\$ 63,984,912 51791
TOTAL ALL BUDGET FUND GROUPS	\$	92,579,529	\$ 94,457,303 51792

**Section 223.20. AUDIT MANAGEMENT AND SERVICES** 51794

The foregoing appropriation item 070401, Audit Management and Services, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments and state entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines. This appropriation item shall also be used to cover costs of the Local Government Services Section that are not charged to clients.

**PERFORMANCE AUDITS** 51803

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school districts, state agencies, and colleges and universities that are not recovered

through charges to those entities, including costs that cannot be 51809  
recovered from audit clients under federal indirect cost 51810  
allocation guidelines. 51811

LOCAL GOVERNMENT AUDIT SUPPORT 51812

The foregoing appropriation item 070412, Local Government 51813  
Audit Support, shall be used pursuant to section 117.13 of the 51814  
Revised Code to support costs of the Auditor of State that are not 51815  
recovered through charges to local governments, including costs 51816  
that cannot be recovered from audit clients under federal indirect 51817  
cost allocation guidelines. 51818

LOCAL GOVERNMENT AUDIT SUPPORT FUND 51819

The foregoing appropriation item 070611, Local Government 51820  
Audit Support Fund, shall be used pursuant to section 117.131 of 51821  
the Revised Code to offset costs of audits that would otherwise be 51822  
charged to local public offices in the absence of the fund. 51823

**Section 229.10.** OBM OFFICE OF BUDGET AND MANAGEMENT 51824

General Revenue Fund 51825

GRF 042321	Operating Expenses	\$	4,128,353	\$	4,128,353	51826
TOTAL GRF	General Revenue Fund	\$	4,128,353	\$	4,128,353	51827

Dedicated Purpose Fund Group 51828

5CV1 042621	COVID Response Costs	\$	18,000,000	\$	0	51829
	- Multiple Agencies					

TOTAL Dedicated Purpose Fund Group	\$	18,000,000	\$	0	51830
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Internal Service Activity Fund Group 51831

1050 042603	Financial Management	\$	16,500,000	\$	17,200,000	51832
1050 042620	Shared Services	\$	6,730,000	\$	7,050,000	51833

Operating

TOTAL ISA Internal Service Activity						51834
Fund Group	\$	23,230,000	\$	24,250,000	51835	

Fiduciary Fund Group 51836

5EH0 042604	Forgery Recovery	\$	30,000	\$	30,000	51837
TOTAL FID	Fiduciary Fund Group	\$	30,000	\$	30,000	51838
TOTAL ALL BUDGET FUND GROUPS		\$	45,388,353	\$	28,408,353	51839

**Section 229.20. AUDIT COSTS** 51841

All centralized audit costs associated with either Single 51842  
Audit Schedules or financial statements prepared in conformance 51843  
with generally accepted accounting principles for the state shall 51844  
be paid from the foregoing appropriation item 042603, Financial 51845  
Management. 51846

Costs associated with the audit of the Auditor of State shall 51847  
be paid from the foregoing appropriation item 042321, Operating 51848  
Expenses. 51849

**SHARED SERVICES CENTER** 51850

The foregoing appropriation items 042321, Operating Expenses, 51851  
and 042620, Shared Services Operating, shall be used by the 51852  
Director of Budget and Management to support the Shared Services 51853  
program pursuant to division (D) of section 126.21 of the Revised 51854  
Code. 51855

The Director of Budget and Management shall include the 51856  
recovery of costs to operate the Shared Services program in the 51857  
accounting and budgeting services payroll rate and through direct 51858  
charges using intrastate transfer vouchers billed to agencies for 51859  
services rendered using a methodology determined by the Director 51860  
of Budget and Management. Such cost recovery revenues shall be 51861  
deposited to the credit of the Accounting and Budgeting Fund (Fund 51862  
1050). 51863

**INTERNAL AUDIT** 51864

The Director of Budget and Management shall include the 51865  
recovery of costs to operate the Internal Audit Program pursuant 51866  
to section 126.45 of the Revised Code in the accounting and 51867

budgeting services payroll rate using a methodology determined by 51868  
the Director of Budget and Management. Such cost recovery revenues 51869  
shall be deposited to the credit of Fund 1050. 51870

FORGERY RECOVERY 51871

The foregoing appropriation item 042604, Forgery Recovery, 51872  
shall be used to reissue warrants that have been certified as 51873  
forgeries by the rightful recipient as determined by the Bureau of 51874  
Criminal Identification and Investigation and the Treasurer of 51875  
State. Upon receipt of funds to cover the reissuance of the 51876  
warrant, the Director of Budget and Management shall reissue a 51877  
state warrant of the same amount. Any additional amounts needed to 51878  
reissue warrants backed by the receipt of funds are hereby 51879  
appropriated. 51880

**Section 231.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 51881

General Revenue Fund 51882

GRF	874100	Personal Services	\$	4,069,830	\$	4,069,830	51883
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GRF	874320	Maintenance and	\$	1,402,833	\$	1,402,833	51884
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Equipment

TOTAL GRF	General Revenue Fund	\$	5,472,663	\$	5,472,663	51885
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Dedicated Purpose Fund Group 51886

2080	874601	Underground Parking	\$	4,245,906	\$	4,245,906	51887
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Garage Operations

4G50	874603	Capitol Square	\$	6,000	\$	6,000	51888
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Education Center and

Arts

TOTAL DPF	Dedicated Purpose					51889
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Fund Group	\$	4,251,906	\$	4,251,906	51890
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Internal Service Activity Fund Group 51891

4S70	874602	Statehouse Gift	\$	800,000	\$	800,000	51892
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Shop/Events

TOTAL ISA Internal Service Activity				51893	
Fund Group	\$	800,000	\$	800,000	51894
TOTAL ALL BUDGET FUND GROUPS	\$	10,524,569	\$	10,524,569	51895

PERSONAL SERVICES 51896

On July 1, 2021, or as soon as possible thereafter, the 51897  
Executive Director of the Capitol Square Review and Advisory Board 51898  
may certify to the Director of Budget and Management an amount up 51899  
to the unexpended, unencumbered balance of the foregoing 51900  
appropriation item 874100, Personal Services, at the end of fiscal 51901  
year 2021 to be reappropriated to fiscal year 2022. The amount 51902  
certified is hereby appropriated to the same appropriation item 51903  
for fiscal year 2022. 51904

On July 1, 2022, or as soon as possible thereafter, the 51905  
Executive Director of the Capital Square Review and Advisory Board 51906  
may certify to the Director of Budget and Management an amount up 51907  
to the unexpended, unencumbered balance of the foregoing 51908  
appropriation item 874100, Personal Services, at the end of fiscal 51909  
year 2022 to be reappropriated to fiscal year 2023. The amount 51910  
certified is hereby appropriated to the same appropriation item 51911  
for fiscal year 2023. 51912

MAINTENANCE AND EQUIPMENT 51913

On July 1, 2021, or as soon as possible thereafter, the 51914  
Executive Director of the Capitol Square Review and Advisory Board 51915  
may certify to the Director of Budget and Management an amount up 51916  
to the unexpended, unencumbered balance of the foregoing 51917  
appropriation item 874320, Maintenance and Equipment, at the end 51918  
of fiscal year 2021 to be reappropriated to fiscal year 2022. The 51919  
amount certified is hereby appropriated to the same appropriation 51920  
item for fiscal year 2022. 51921

On July 1, 2022, or as soon as possible thereafter, the 51922  
Executive Director of the Capitol Square Review and Advisory Board 51923

may certify to the Director of Budget and Management an amount up 51924  
to the unexpended, unencumbered balance of the foregoing 51925  
appropriation item 874320, Maintenance and Equipment, at the end 51926  
of fiscal year 2022 to be reappropriated to fiscal year 2023. The 51927  
amount certified is hereby appropriated to the same appropriation 51928  
item for fiscal year 2023. 51929

UNDERGROUND PARKING GARAGE FUND 51930

Notwithstanding division (G) of section 105.41 of the Revised 51931  
Code and any other provision to the contrary, moneys in the 51932  
Underground Parking Garage Fund (Fund 2080) may be used for 51933  
personnel and operating costs related to the operations of the 51934  
Statehouse and the Statehouse Underground Parking Garage. 51935

HOUSE AND SENATE PARKING REIMBURSEMENT 51936

On July 1 of each fiscal year, or as soon as possible 51937  
thereafter, the Director of Budget and Management shall transfer 51938  
\$500,000 cash from the General Revenue Fund to the Underground 51939  
Parking Garage Fund (Fund 2080). The amounts transferred under 51940  
this section shall be used to reimburse the Capitol Square Review 51941  
and Advisory Board for legislative parking costs. 51942

**Section 233.10.** SCR STATE BOARD OF CAREER COLLEGES AND 51943  
SCHOOLS 51944

Dedicated Purpose Fund Group 51945

4K90 233601 Operating Expenses	\$	513,000	\$	513,000	51946
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TOTAL DPF Dedicated Purpose Fund	\$	513,000	\$	513,000	51947
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	513,000	\$	513,000	51948
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**Section 235.10.** CAC CASINO CONTROL COMMISSION 51950

Dedicated Purpose Fund Group 51951

5HS0 955321 Operating Expenses	\$	13,401,718	\$	13,492,672	51952
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5NU0 955601	Casino Commission	\$	250,000	\$	250,000	51953
	Enforcement					
TOTAL DPF	Dedicated Purpose Fund	\$	13,651,718	\$	13,742,672	51954
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	13,651,718	\$	13,742,672	51955
 <b>Section 237.10.</b> CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD						51957
Dedicated Purpose Fund Group						51958
4K90 930609	Operating Expenses	\$	833,131	\$	850,305	51959
TOTAL DPF	Dedicated Purpose Fund	\$	833,131	\$	850,305	51960
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	833,131	\$	850,305	51961
 <b>Section 239.10.</b> CHR STATE CHIROPRACTIC BOARD						51963
Dedicated Purpose Fund Group						51964
4K90 878609	Operating Expenses	\$	622,000	\$	622,000	51965
TOTAL DPF	Dedicated Purpose Fund	\$	622,000	\$	622,000	51966
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	622,000	\$	622,000	51967
 <b>Section 241.10.</b> CIV OHIO CIVIL RIGHTS COMMISSION						51969
General Revenue Fund						51970
GRF 876321	Operating Expenses	\$	6,118,897	\$	6,538,548	51971
TOTAL GRF	General Revenue Fund	\$	6,118,897	\$	6,538,548	51972
Dedicated Purpose Fund Group						51973
2170 876604	Operations Support	\$	3,000	\$	3,000	51974
TOTAL DPF	Internal Service Activity					51975
Fund Group		\$	3,000	\$	3,000	51976
Federal Fund Group						51977
3340 876601	Federal Programs	\$	3,300,000	\$	3,036,884	51978
TOTAL FED	Federal Special Revenue					51979
Fund Group		\$	3,300,000	\$	3,036,884	51980

TOTAL ALL BUDGET FUND GROUPS		\$	9,421,897	\$	9,578,432	51981	
<b>Section 243.10. COM DEPARTMENT OF COMMERCE</b>						51983	
Dedicated Purpose Fund Group						51984	
4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000	51985
Recovery							
4H90	800608	Cemeteries	\$	313,466	\$	313,466	51986
4X20	800619	Financial Institutions	\$	2,080,213	\$	2,080,213	51987
5430	800602	Unclaimed	\$	11,491,192	\$	11,489,073	51988
Funds-Operating							
5430	800625	Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	51989
5440	800612	Banks	\$	10,138,048	\$	10,138,048	51990
5460	800610	Fire Marshal	\$	23,166,255	\$	23,451,914	51991
5460	800639	Fire Department Grants	\$	5,900,000	\$	5,900,000	51992
5470	800603	Real Estate	\$	69,655	\$	69,655	51993
Education/Research							
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	51994
5490	800614	Real Estate	\$	4,155,513	\$	4,227,780	51995
5500	800617	Securities	\$	7,234,782	\$	7,387,595	51996
5520	800604	Credit Union	\$	3,807,712	\$	3,807,712	51997
5530	800607	Consumer Finance	\$	5,517,185	\$	5,510,095	51998
5560	800615	Industrial Compliance	\$	30,929,000	\$	30,929,000	51999
5F10	800635	Small Government Fire	\$	600,000	\$	600,000	52000
Departments							
5FW0	800616	Financial Literacy	\$	150,000	\$	150,000	52001
Education							
5GK0	800609	Securities Investor	\$	2,182,150	\$	2,182,150	52002
Education/Enforcement							
5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324	52003
5LC0	800644	Liquor JobsOhio	\$	327,470	\$	396,154	52004
Extraordinary Allowance							
5LN0	800645	Liquor Operating	\$	23,532,000	\$	25,395,000	52005
Services							

5LP0	800646	Liquor Regulatory	\$	16,829,784	\$	15,584,778	52006
		Operating Expenses					
5SE0	800651	Cemetery Grant Program	\$	130,000	\$	130,000	52007
5SJ0	800648	Volunteer Peace	\$	50,000	\$	50,000	52008
		Officers' Dependent Fund					
5SU0	800649	Manufactured Homes	\$	331,281	\$	340,357	52009
		Regulation					
5SY0	800650	Medical Marijuana	\$	5,121,000	\$	5,121,000	52010
		Control Program					
5VC0	800652	Real Estate Home	\$	96,320	\$	100,813	52011
		Inspector Operating					
5VD0	800653	Real Estate Home	\$	10,000	\$	10,000	52012
		Inspector Recovery					
5X60	800623	Video Service	\$	437,693	\$	437,693	52013
5XK0	800657	Ohio Investor Recovery	\$	2,500,000	\$	2,500,000	52014
6530	800629	UST Registration/Permit	\$	2,481,714	\$	2,501,714	52015
		Fee					
6A40	800630	Real Estate	\$	1,095,546	\$	1,108,310	52016
		Appraiser-Operating					
TOTAL DPF		Dedicated Purpose					52017
Fund Group			\$	230,790,303	\$	232,024,844	52018
Internal Service Activity		Fund Group					52019
1630	800620	Division of	\$	9,481,409	\$	9,296,249	52020
		Administration					
1630	800637	Information Technology	\$	10,990,749	\$	10,677,029	52021
TOTAL ISA		Internal Service Activity					52022
Fund Group			\$	20,472,158	\$	19,973,278	52023
Federal Fund Group							52024
3480	800622	Underground Storage	\$	805,112	\$	805,112	52025
		Tanks					
3480	800624	Leaking Underground	\$	2,000,000	\$	2,000,000	52026

Storage Tanks

3HK0 800654 911 Grant Program	\$	3,302,976	\$	0	52027
TOTAL FED Federal Fund Group	\$	6,108,088	\$	2,805,112	52028
TOTAL ALL BUDGET FUND GROUPS	\$	257,370,549	\$	254,803,234	52029

**Section 243.20. UNCLAIMED FUNDS PAYMENTS** 52031

The foregoing appropriation item 800625, Unclaimed 52032  
Funds-Claims, shall be used to pay claims under section 169.08 of 52033  
the Revised Code. If it is determined by the Director of Commerce 52034  
that additional appropriation amounts are necessary to make such 52035  
payments, the Director of Commerce may request that the Director 52036  
of Budget and Management approve such increases. Any approved 52037  
increases are hereby appropriated. 52038

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 52039

The foregoing appropriation item 800631, Real Estate 52040  
Appraiser Recovery, shall be used to pay settlements, judgments, 52041  
and court orders under section 4763.16 of the Revised Code. If it 52042  
is determined by the Director of Commerce that additional 52043  
appropriation amounts are necessary to make such payments, the 52044  
Director of Commerce may request that the Director of Budget and 52045  
Management approve such increases. Any approved increases are 52046  
hereby appropriated. 52047

The foregoing appropriation item 800611, Real Estate 52048  
Recovery, shall be used to pay settlements, judgments, and court 52049  
orders under section 4735.12 of the Revised Code. If it is 52050  
determined by the Director of Commerce that additional 52051  
appropriation amounts are necessary to make such payments, the 52052  
Director of Commerce may request that the Director of Budget and 52053  
Management approve such increases. Any approved increases are 52054  
hereby appropriated. 52055

The foregoing appropriation item 800653, Real Estate Home 52056  
Inspector Recovery, shall be used to pay settlements, judgments, 52057

and court orders under section 4764.21 of the Revised Code. If it 52058  
is determined by the Director of Commerce that additional 52059  
appropriation amounts are necessary to make such payments, the 52060  
Director of Commerce may request that the Director of Budget and 52061  
Management approve such increases. Any approved increases are 52062  
hereby appropriated. 52063

FIRE DEPARTMENT GRANTS 52064

(A) The foregoing appropriation item 800639, Fire Department 52065  
Grants, shall be used to make annual grants to the following 52066  
eligible recipients: volunteer fire departments, fire departments 52067  
that serve one or more small municipalities or small townships, 52068  
joint fire districts comprised of fire departments that primarily 52069  
serve small municipalities or small townships, local units of 52070  
government responsible for such fire departments, and local units 52071  
of government responsible for the provision of fire protection 52072  
services for small municipalities or small townships. For the 52073  
purposes of these grants, a private fire company, as that phrase 52074  
is defined in section 9.60 of the Revised Code, that is providing 52075  
fire protection services under a contract to a political 52076  
subdivision of the state, is an additional eligible recipient for 52077  
a training grant. 52078

Eligible recipients that consist of small municipalities or 52079  
small townships that all intend to contract with the same fire 52080  
department or private fire company for fire protection services 52081  
may jointly apply and be considered for a grant. If a joint 52082  
applicant is awarded a grant, the State Fire Marshal shall, if 52083  
feasible, proportionately award the grant and any equipment 52084  
purchased with grant funds to each of the joint applicants based 52085  
upon each applicant's contribution to and demonstrated need for 52086  
fire protection services. For the purpose of this grant program, 52087  
an eligible recipient or any firefighting entity that is 52088  
contracted to serve an eligible recipient may only file, be listed 52089

as joint applicant, or be designated as a service provider on one 52090  
grant application per fiscal year. 52091

If the grant awarded to joint applicants is an equipment 52092  
grant and the equipment to be purchased cannot be readily 52093  
distributed or possessed by multiple recipients, each of the joint 52094  
applicants shall be awarded by the State Fire Marshal an ownership 52095  
interest in the equipment so purchased in proportion to each 52096  
applicant's contribution to and demonstrated need for fire 52097  
protection services. The joint applicants shall then mutually 52098  
agree on how the equipment is to be maintained, operated, stored, 52099  
or disposed of. If, for any reason, the joint applicants cannot 52100  
agree as to how jointly owned equipment is to be maintained, 52101  
operated, stored, or disposed of or any of the joint applicants no 52102  
longer maintain a contract with the same fire protection service 52103  
provider as the other applicants, then the joint applicants shall, 52104  
with the assistance of the State Fire Marshal, mutually agree as 52105  
to how the jointly owned equipment is to be maintained, operated, 52106  
stored, disposed of, or owned. If the joint applicants cannot 52107  
agree how the grant equipment is to be maintained, operated, 52108  
stored, disposed of, or owned, the State Fire Marshal may, in its 52109  
discretion, require all of the equipment acquired by the joint 52110  
applicants with grant funds to be returned to the State Fire 52111  
Marshal. The State Fire Marshal may then award the returned 52112  
equipment to any eligible recipients. For this paragraph only, an 52113  
"equipment grant" also includes a MARCS Grant. 52114

(B) Except as otherwise provided in this section, the grants 52115  
shall be used by recipients to purchase firefighting or rescue 52116  
equipment or gear or similar items, to provide full or partial 52117  
reimbursement for the documented costs of firefighter training, 52118  
or, at the discretion of the State Fire Marshal, to cover fire 52119  
department costs for providing fire protection services in that 52120  
grant recipient's jurisdiction. 52121

(1) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$1,000,000 per fiscal year may be used to pay for the State Fire Marshal's costs of providing firefighter I certification classes or other firefighter classes approved by the State Fire Marshal at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$3,500,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to cover costs for accessing MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to \$50,000 in each fiscal year per eligible recipient. Each eligible recipient may apply, as a separate entity or as a part of a joint application, for only one MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and that is adjacent to the applicant.

Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

(3) Grant awards for firefighting or rescue equipment or gear 52154  
or for fire department costs of providing fire protection services 52155  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 52156  
fiscal year if an eligible entity serves a jurisdiction in which 52157  
the Governor declared a natural disaster during the preceding or 52158  
current fiscal year in which the grant was awarded. In addition to 52159  
any grant funds awarded for rescue equipment or gear, or for fire 52160  
department costs associated with the provision of fire protection 52161  
services, an eligible entity may receive a grant for up to \$15,000 52162  
per fiscal year for full or partial reimbursement of the 52163  
documented costs of firefighter training. For each fiscal year, 52164  
the State Fire Marshal shall determine the total amounts to be 52165  
allocated for each eligible purpose. 52166

(C) The grants shall be administered by the State Fire 52167  
Marshal in accordance with rules the State Fire Marshal adopts as 52168  
part of the state fire code adopted pursuant to section 3737.82 of 52169  
the Revised Code that are necessary for the administration and 52170  
operation of the grant program. The rules may further define the 52171  
entities eligible to receive grants and establish criteria for the 52172  
awarding and expenditure of grant funds, including methods the 52173  
State Fire Marshal may use to verify the proper use of grant funds 52174  
or to obtain reimbursement for or the return of equipment for 52175  
improperly used grant funds. To the extent consistent with this 52176  
section and until the rules are updated, the existing rules in the 52177  
state fire code adopted pursuant to section 3737.82 of the Revised 52178  
Code for fire department grants under this section apply to MARCS 52179  
Grants. Any amounts in appropriation item 800639, Fire Department 52180  
Grants, in excess of the amount allocated for these grants may be 52181  
used for the administration of the grant program. 52182

**Section 243.30.** CASH TRANSFERS TO DIVISION OF REAL ESTATE 52183  
OPERATING FUND 52184

Upon the written request of the Director of Commerce, and 52185  
subject to the approval of the Controlling Board, the Director of 52186  
Budget and Management may transfer up to \$500,000 in cash from the 52187  
Real Estate Education and Research Fund (Fund 5470) to the 52188  
Division of Real Estate Operating Fund (Fund 5490) during the 52189  
biennium ending June 30, 2023. 52190

If the Real Estate Recovery Fund (Fund 5480) cash balance 52191  
exceeds \$250,000 during the biennium ending June 30, 2023, the 52192  
Director of Budget and Management, upon the written request of the 52193  
Director of Commerce and subject to the approval of the 52194  
Controlling Board, may transfer cash from Fund 5480 to the 52195  
Division of Real Estate Operating Fund (Fund 5490), such that the 52196  
amount available in Fund 5480 is not less than \$250,000. 52197

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND 52198

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 52199  
balance exceeds \$200,000 during the biennium ending June 30, 2023, 52200  
the Director of Budget and Management, upon the written request of 52201  
the Director of Commerce and subject to the approval of the 52202  
Controlling Board, may transfer cash from Fund 4B20 to the Real 52203  
Estate Appraiser Operating Fund (Fund 6A40), such that the amount 52204  
available in Fund 4B20 is not less than \$200,000. 52205

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 52206  
REVOLVING LOAN FUND 52207

Upon the written request of the Director of Commerce, and 52208  
subject to the approval of the Controlling Board, the Director of 52209  
Budget and Management may transfer up to \$600,000 in cash from the 52210  
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 52211  
Department Services Revolving Loan Fund (Fund 5F10) during the 52212  
biennium ending June 30, 2023. 52213

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE 52214  
HOME INSPECTOR RECOVERY FUND 52215

During the biennium beginning July 1, 2021, and ending June 30, 2023, upon written request from the Director of Commerce, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer up to \$500,000 in cash from the Division of Securities Fund (Fund 5500) as follows: up to \$400,000 in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to \$100,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed sufficient to sustain operations, the Director of Budget and Management, in consultation with the Director of Commerce, shall establish a repayment schedule to fully repay the cash transferred from Fund 5500 to Fund 5VC0 and Fund 5VD0.

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND

Upon the written request of the Director of Commerce, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer up to \$2,500,000 in each fiscal year from the Division of Securities Operating Fund (Fund 5500) to the Ohio Investor Recovery Fund (Fund 5XK0) during the biennium ending June 30, 2023.

Of the foregoing appropriation item 800657, Ohio Investor Recovery, up to \$2,500,000 in each fiscal year shall be used by the Department of Commerce to provide restitution assistance to victims who: (1) are identified in a final administrative order issued by the Division of Securities or a final court order in a civil or criminal proceeding initiated by the Division as a purchaser damaged by a sale or contract for sale made in violation of Chapter 1707. of the Revised Code; and (2) have not received the full amount of any restitution ordered in a final order before the application for restitution assistance is due.

**Section 245.10.** OCC OFFICE OF CONSUMERS' COUNSEL

Dedicated Purpose Fund Group

5F50 053601 Operating Expenses	\$	5,641,043	\$	5,641,043	52247
TOTAL DPF Dedicated Purpose Fund	\$	5,641,043	\$	5,641,043	52248
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	5,641,043	\$	5,641,043	52249

**Section 247.10. CEB CONTROLLING BOARD** 52251

Internal Service Activity Fund Group					52252
5KM0 911614 Controlling Board	\$	7,500,000	\$	7,500,000	52253
Emergency					
Purposes/Contingencies					
TOTAL ISA Internal Service Activity	\$	7,500,000	\$	7,500,000	52254
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	7,500,000	\$	7,500,000	52255

**Section 247.20. FEDERAL SHARE** 52257

In transferring appropriations to or from appropriation items 52258  
that have federal shares identified in this act, the Controlling 52259  
Board shall add or subtract corresponding amounts of federal 52260  
matching funds at the percentages indicated by the state and 52261  
federal division of the appropriations in this act. Such changes 52262  
are hereby appropriated. 52263

**DISASTER SERVICES** 52264

The Disaster Services Fund (Fund 5E20) shall be used by the 52265  
Controlling Board, pursuant to requests submitted by state 52266  
agencies, to transfer cash used for the payment of state agency 52267  
disaster relief program expenses for disasters that have a written 52268  
Governor's authorization, if the Director of Budget and Management 52269  
determines that sufficient funds exist. 52270

Pursuant to requests submitted by the Department of Public 52271  
Safety, the Controlling Board may approve cash transfers from Fund 52272  
5E20 to any fund used by the Department of Public Safety to 52273  
provide for assistance to political subdivisions made necessary by 52274

natural disasters or emergencies. These cash transfers may be 52275  
 requested and approved prior to the occurrence of any specific 52276  
 natural disasters or emergencies in order to facilitate the 52277  
 provision of timely assistance. The Emergency Management Agency of 52278  
 the Department of Public Safety shall use the cash to fund the 52279  
 State Disaster Relief Program for disasters that qualify for the 52280  
 program by written authorization of the Governor, and the State 52281  
 Individual Assistance Program for disasters that been declared by 52282  
 the federal Small Business Administration and that qualify for the 52283  
 program by written authorization from the Governor. The Ohio 52284  
 Emergency Management Agency shall publish and make available 52285  
 application packets outlining procedures for the State Disaster 52286  
 Relief Program and the State Individual Assistance Program. 52287

**Section 249.10. COS COSMETOLOGY AND BARBER BOARD** 52288

Dedicated Purpose Fund Group 52289  
 4K90 879609 Operating Expenses \$ 5,416,852 \$ 5,716,944 52290  
 TOTAL DPF Dedicated Purpose Fund \$ 5,416,852 \$ 5,716,944 52291  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 5,416,852 \$ 5,716,944 52292

**Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE** 52294

AND FAMILY THERAPIST BOARD 52295  
 Dedicated Purpose Fund Group 52296  
 4K90 899609 Operating Expenses \$ 1,845,658 \$ 1,907,553 52297  
 TOTAL DPF Dedicated Purpose Fund \$ 1,845,658 \$ 1,907,553 52298  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,845,658 \$ 1,907,553 52299

**Section 253.10. CLA COURT OF CLAIMS** 52301

General Revenue Fund 52302  
 GRF 015321 Operating Expenses \$ 2,668,140 \$ 2,730,329 52303

GRF 015403	Public Records	\$	931,645	\$	957,137	52304
	Adjudication					
TOTAL GRF	General Revenue Fund	\$	3,599,785	\$	3,687,466	52305
	Dedicated Purpose Fund Group					52306
5K20 015603	CLA Victims of Crime	\$	507,867	\$	521,755	52307
5TE0 015604	Public Records	\$	1,200	\$	1,200	52308
TOTAL DPF	Dedicated Purpose Fund	\$	509,067	\$	522,955	52309
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	4,108,852	\$	4,210,421	52310

**Section 255.10. DEN STATE DENTAL BOARD** 52312

	Dedicated Purpose Fund Group					52313
4K90 880609	Operating Expenses	\$	1,700,000	\$	1,750,000	52314
TOTAL DPF	Dedicated Purpose Fund	\$	1,700,000	\$	1,750,000	52315
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	1,700,000	\$	1,750,000	52316

**Section 257.10. BDP BOARD OF DEPOSIT** 52318

	Dedicated Purpose Fund Group					52319
4M20 974601	Board of Deposit	\$	1,688,400	\$	1,688,400	52320
TOTAL DPF	Dedicated Purpose Fund	\$	1,688,400	\$	1,688,400	52321
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	1,688,400	\$	1,688,400	52322

**BOARD OF DEPOSIT EXPENSE FUND** 52323

Upon receiving certification of expenses from the Treasurer 52324  
of State, the Director of Budget and Management shall transfer 52325  
cash from the Investment Earnings Redistribution Fund (Fund 6080) 52326  
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 52327  
shall be used pursuant to section 135.02 of the Revised Code to 52328  
pay for any and all necessary expenses of the Board of Deposit or 52329  
for banking charges and fees required for the operation of the 52330  
State of Ohio Regular Account. 52331

	<b>Section 259.10.</b>	DEV DEPARTMENT OF DEVELOPMENT			52332
	General Revenue Fund				52333
GRF	195402	Coal Research and Development Program	\$ 175,000	\$ 175,000	52334
GRF	195405	Minority Business Development	\$ 5,794,141	\$ 5,794,141	52335
GRF	195415	Business Development Services	\$ 3,905,000	\$ 3,905,000	52336
GRF	195426	Redevelopment Assistance	\$ 1,000,000	\$ 1,000,000	52337
GRF	195453	Technology Programs and Grants	\$ 800,000	\$ 800,000	52338
GRF	195454	Small Business and Export Assistance	\$ 3,500,000	\$ 3,500,000	52339
GRF	195455	Appalachia Assistance	\$ 6,500,000	\$ 6,500,000	52340
GRF	195497	CDBG Operating Match	\$ 1,250,000	\$ 1,250,000	52341
GRF	195499	BSD Federal Programs Match	\$ 13,200,000	\$ 13,200,000	52342
GRF	195503	Local Development Projects	\$ 11,400,000	\$ 9,150,000	52343
GRF	195553	Industry Sector Partnerships	\$ 2,500,000	\$ 2,500,000	52344
GRF	195651	Residential Broadband Expansion Grants	\$ 20,000,000	\$ 20,000,000	52345
GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$ 7,300,000	\$ 8,500,000	52346
GRF	195905	Third Frontier Research and Development General Obligation Bond Debt	\$ 69,000,000	\$ 76,000,000	52347

		Service				
GRF	195912	Job Ready Site	\$	4,605,000	\$	4,605,000 52348
		Development General				
		Obligation Bond Debt				
		Service				
TOTAL GRF		General Revenue Fund	\$	150,929,141	\$	156,879,141 52349
		Dedicated Purpose Fund Group				52350
4500	195624	Minority Business	\$	74,905	\$	74,905 52351
		Bonding Program				
		Administration				
4510	195649	Business Assistance	\$	3,000,000	\$	3,000,000 52352
		Programs				
4F20	195639	State Special Projects	\$	1,000,000	\$	1,000,000 52353
4F20	195699	Utility Community	\$	750,000	\$	750,000 52354
		Assistance				
4W10	195646	Minority Business	\$	5,000,000	\$	5,000,000 52355
		Enterprise Loan				
5HR0	195606	TechCred Program	\$	8,300,000	\$	0 52356
5JR0	195635	Tax Incentives	\$	800,000	\$	800,000 52357
		Operating				
5KP0	195645	Historic	\$	1,000,000	\$	1,000,000 52358
		Rehabilitation				
		Operating				
5M40	195659	Low Income Energy	\$	325,000,000	\$	325,000,000 52359
		Assistance (USF)				
5M50	195660	Advanced Energy Loan	\$	8,500,000	\$	8,500,000 52360
		Programs				
5MH0	195644	SiteOhio	\$	2,500	\$	2,500 52361
		Administration				
5MJ0	195683	TourismOhio	\$	10,000,000	\$	10,000,000 52362
		Administration				
5UL0	195627	Brownfields Revolving	\$	2,500,000	\$	2,500,000 52363
		Loan Program				

5W60	195691	International Trade Cooperative Projects	\$	50,000	\$	50,000	52364
5XH0	195632	Women Owned Business Loans	\$	5,000,000	\$	5,000,000	52365
5XH0	195694	Micro-Enterprise Loans	\$	5,000,000	\$	5,000,000	52366
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	52367
6460	195638	Low- and Moderate- Income Housing Programs	\$	55,250,000	\$	55,250,000	52368
TOTAL DPF Group		Dedicated Purpose Fund	\$	431,259,967	\$	422,959,967	52369
		Internal Service Activity Fund Group					52370
1350	195684	Development Services Operations	\$	12,000,000	\$	12,000,000	52371
6850	195636	Development Services Reimbursable Expenditures	\$	125,000	\$	125,000	52372
TOTAL ISA Fund Group		Internal Service Activity	\$	12,125,000	\$	12,125,000	52373
		Facilities Establishment Fund Group					52374
4Z60	195647	Rural Industrial Park Loan	\$	10,000,000	\$	0	52375
5S90	195628	Capital Access Loan Program	\$	2,500,000	\$	2,500,000	52376
7009	195664	Innovation Ohio	\$	4,800,000	\$	4,800,000	52377
7010	195665	Research and Development	\$	5,000,000	\$	5,000,000	52378
7037	195615	Facilities Establishment	\$	152,000,000	\$	50,000,000	52379
TOTAL FCE Fund Group		Facilities Establishment	\$	174,300,000	\$	62,300,000	52380

Bond Research and Development Fund Group				52381
7011	195686	Third Frontier Tax Exempt - Operating	\$ 750,000 \$ 750,000	52382
7011	195687	Third Frontier Research and Development Projects	\$ 10,000,000 \$ 10,000,000	52383
7014	195620	Third Frontier Taxable - Operating	\$ 1,710,000 \$ 1,710,000	52384
7014	195692	Research and Development Taxable Bond Projects	\$ 50,000,000 \$ 50,000,000	52385
TOTAL BRD Bond Research and Development Fund Group			\$ 62,460,000 \$ 62,460,000	52386
Federal Fund Group				52387
3080	195602	Appalachian Regional Commission	\$ 5,500,000 \$ 5,500,000	52388
3080	195603	Housing Assistance Programs	\$ 12,000,000 \$ 12,000,000	52389
3080	195609	Small Business Administration Grants	\$ 5,271,381 \$ 5,271,381	52390
3080	195618	Energy Grants	\$ 4,000,000 \$ 4,000,000	52391
3080	195670	Home Weatherization Program	\$ 20,000,000 \$ 20,000,000	52392
3080	195672	Manufacturing Extension Partnership	\$ 6,300,000 \$ 6,300,000	52393
3080	195675	Procurement Technical Assistance	\$ 1,000,000 \$ 1,000,000	52394
3080	195696	State Trade and Export Promotion	\$ 1,000,000 \$ 1,000,000	52395
3350	195610	Energy Programs	\$ 350,000 \$ 350,000	52396
3AE0	195643	Workforce Development Initiatives	\$ 2,000,000 \$ 2,000,000	52397

3FJ0	195626	Small Business	\$	8,000,000	\$	8,000,000	52398
		Capital Access and Collateral Enhancement Program					
3K80	195613	Community Development	\$	60,000,000	\$	60,000,000	52399
		Block Grant					
3K90	195611	Home Energy	\$	165,000,000	\$	165,000,000	52400
		Assistance Block Grant					
3K90	195614	HEAP Weatherization	\$	40,000,000	\$	40,000,000	52401
3L00	195612	Community Services	\$	28,000,000	\$	28,000,000	52402
		Block Grant					
3V10	195601	HOME Program	\$	35,000,000	\$	35,000,000	52403
TOTAL FED		Federal Fund Group	\$	393,421,381	\$	393,421,381	52404
TOTAL ALL BUDGET FUND GROUPS			\$	1,224,495,489	\$	1,110,145,489	52405

**Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM** 52407

The foregoing appropriation item 195402, Coal Research and 52408  
Development Program, shall be used for the operating expenses of 52409  
the Community Services Division in support of the Ohio Coal 52410  
Development Office. 52411

**MINORITY BUSINESS DEVELOPMENT** 52412

The foregoing appropriation item 195405, Minority Business 52413  
Development, shall be used to support the activities of the 52414  
Minority Business Development Division, including providing grants 52415  
to local nonprofit organizations to support economic development 52416  
activities that promote minority business development, in 52417  
conjunction with local organizations funded through appropriation 52418  
item 195454, Small Business and Export Assistance. 52419

**BUSINESS DEVELOPMENT SERVICES** 52420

The foregoing appropriation item 195415, Business Development 52421  
Services, shall be used for the operating expenses of the Office 52422

of Strategic Business Investments and the regional economic 52423  
development offices. 52424

Of the foregoing appropriation item 195415, Business 52425  
Development Services, \$1,800,000 in each fiscal year shall be 52426  
allocated to Development Projects, Inc., for economic development 52427  
programs and the creation of new jobs to leverage and support 52428  
mission gains at Department of Defense and related facilities in 52429  
Ohio by working with future base realignment and closure 52430  
activities and ongoing Department of Defense efficiency and 52431  
partnership initiatives, assisting efforts to secure Department of 52432  
Defense support contracts for Ohio companies, assessing and 52433  
supporting regional job training and workforce development needs 52434  
generated by the Department of Defense and the Ohio aerospace 52435  
industry, promoting technology transfer to Ohio businesses, and 52436  
for expanding job training and economic development programs in 52437  
human performance and cyber security related initiatives. 52438

REDEVELOPMENT ASSISTANCE 52439

The foregoing appropriation item 195426, Redevelopment 52440  
Assistance, shall be used to fund the costs of administering the 52441  
energy, redevelopment, and other revitalization programs that may 52442  
be implemented, and may be used to match federal grant funding. 52443

TECHNOLOGY PROGRAMS AND GRANTS 52444

The foregoing appropriation item 195453, Technology Programs 52445  
and Grants, shall be used for operating expenses incurred in 52446  
administering the Ohio Third Frontier Programs and other 52447  
technology focused programs that may be implemented. 52448

SMALL BUSINESS AND EXPORT ASSISTANCE 52449

The foregoing appropriation item 195454, Small Business and 52450  
Export Assistance, may be used to provide a range of business 52451  
assistance, including grants to local organizations to support 52452  
economic development activities that promote small business 52453

development, entrepreneurship, and exports of Ohio's goods and 52454  
services, in conjunction with local organizations funded through 52455  
appropriation item 195405, Minority Business Development. The 52456  
foregoing appropriation item shall also be used as matching funds 52457  
for grants from the United States Small Business Administration 52458  
and other federal agencies, pursuant to Pub. L. No. 96-302 as 52459  
amended by Pub. L. No. 98-395, and regulations and policy 52460  
guidelines for the programs pursuant thereto. 52461

APPALACHIA ASSISTANCE 52462

The foregoing GRF appropriation item 195455, Appalachia 52463  
Assistance, may be used for the administrative costs of planning 52464  
and liaison activities for the Governor's Office of Appalachia, to 52465  
provide financial assistance to projects in Ohio's Appalachian 52466  
counties, to support four local development districts, and to pay 52467  
dues for the Appalachian Regional Commission. These funds may be 52468  
used to match federal funds from the Appalachian Regional 52469  
Commission. Programs funded through the appropriation item shall 52470  
be identified and recommended by the local development districts 52471  
and approved by the Governor's Office of Appalachia. The 52472  
Department of Development shall conduct compliance and regulatory 52473  
review of the programs recommended by the local development 52474  
districts. Moneys allocated under the appropriation item may be 52475  
used to fund projects including, but not limited to, those 52476  
designated by the local development districts as community 52477  
investment and rapid response projects. 52478

Of the foregoing appropriation item 195455, Appalachia 52479  
Assistance, in each fiscal year, \$170,000 shall be allocated to 52480  
the Ohio Valley Regional Development Commission, \$170,000 shall be 52481  
allocated to the Ohio Mid-Eastern Government Association, \$170,000 52482  
shall be allocated to the Buckeye Hills-Hocking Valley Regional 52483  
Development District, and \$70,000 shall be allocated to the 52484  
Eastgate Regional Council of Governments. Local development 52485

districts receiving funding under this section shall use the funds 52486  
for the implementation and administration of programs and duties 52487  
under section 107.21 of the Revised Code. 52488

CDBG OPERATING MATCH 52489

The foregoing appropriation item 195497, CDBG Operating 52490  
Match, shall be used as matching funds for grants from the United 52491  
States Department of Housing and Urban Development pursuant to the 52492  
Housing and Community Development Act of 1974 and regulations and 52493  
policy guidelines for the programs pursuant thereto. 52494

BSD FEDERAL PROGRAMS MATCH 52495

The foregoing appropriation item 195499, BSD Federal Programs 52496  
Match, shall be used as matching funds for grants from the U.S. 52497  
Department of Commerce, National Institute of Standards and 52498  
Technology Manufacturing Extension Partnership Program and Defense 52499  
Logistics Agency Procurement Technical Assistance Program, and 52500  
other federal agencies, pursuant to Pub. L. No. 96-302 as amended 52501  
by Pub. L. No. 98-395, and regulations and policy guidelines for 52502  
the programs pursuant thereto. The appropriation item shall also 52503  
be used for operating expenses of the Business Services Division. 52504

LOCAL DEVELOPMENT PROJECTS 52505

Of the foregoing appropriation item 195503, Local Development 52506  
Projects, \$5,000,000 in each fiscal year shall be allocated to the 52507  
Foundation for Appalachian Ohio. 52508

Of the foregoing appropriation item 195503, Local Development 52509  
Projects, up to \$4,000,000 in each fiscal year shall be allocated 52510  
for the GRIT program, to be administered by the Governor's Office 52511  
of Appalachia and the Department of Development. The program shall 52512  
create jobs in economically distressed and at-risk areas within 11 52513  
counties in the service territory of the Ohio Valley Regional 52514  
Development Commission. This portion of the foregoing 52515  
appropriation item shall be used to establish virtual workforce 52516

development centers and place un- and under-employed adults into 52517  
jobs, in collaboration with private businesses and public sector 52518  
partners. Of this portion of the foregoing appropriation item, up 52519  
to \$800,000 in each fiscal year may be used for assessments and up 52520  
to \$800,000 in each fiscal year may be used for operating costs. 52521  
The Governor's Office of Appalachia and the Department of 52522  
Development may establish other guidelines for the use of this 52523  
portion of the foregoing appropriation item. 52524

Of the foregoing appropriation item 195503, Local Development 52525  
Projects, up to \$2,250,000 in fiscal year 2022 shall be used in 52526  
coordination with the Department of Health to support stable 52527  
housing initiatives for pregnant mothers and to improve maternal 52528  
and infant health outcomes. 52529

Of the foregoing appropriation item 195503, Local Development 52530  
Projects, \$150,000 in each fiscal year shall be allocated to the 52531  
Stark County Minority Business Association to work in partnership 52532  
with the Canton Regional Chamber of Commerce to support a 52533  
demonstration pilot project. 52534

SECTOR PARTNERSHIP NETWORKS 52535

The foregoing appropriation item 195553, Sector Partnership 52536  
Networks, shall be used for the grant program described in section 52537  
122.179 of the Revised Code. 52538

On July 1, 2022, or as soon as possible thereafter, the 52539  
Director of Development shall certify to the Director of Budget 52540  
and Management the unexpended, unencumbered balance of the fiscal 52541  
year 2022 appropriation to the foregoing appropriation item. The 52542  
certified amount is hereby reappropriated to the foregoing 52543  
appropriation item in fiscal year 2023. 52544

RESIDENTIAL BROADBAND EXPANSION GRANTS 52545

The foregoing appropriation item 195651, Residential 52546  
Broadband Expansion Grants, shall be used to make grants to expand 52547

broadband service. 52548

Of the foregoing appropriation item 195651, Residential 52549  
Broadband Expansion Grants, up to \$2,000,000 in the biennium 52550  
ending June 30, 2023, may be used for a statewide initiative to 52551  
support providing behavioral health in schools through telehealth. 52552

**Section 259.25.** COAL RESEARCH AND DEVELOPMENT GENERAL 52553  
OBLIGATION BOND DEBT SERVICE 52554

The foregoing appropriation line item 195901, Coal Research 52555  
and Development General Obligation Bond Debt Service, shall be 52556  
used to pay all debt service and related financing costs during 52557  
the period July 1, 2021, through June 30, 2023, on obligations 52558  
issued under sections 151.01 and 151.07 of the Revised Code. 52559

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 52560  
BOND DEBT SERVICE 52561

The foregoing appropriation item 195905, Third Frontier 52562  
Research and Development General Obligation Bond Debt Service, 52563  
shall be used to pay all debt service and related financing costs 52564  
during the period from July 1, 2021, through June 30, 2023, on 52565  
obligations issued under sections 151.01 and 151.10 of the Revised 52566  
Code. 52567

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 52568  
SERVICE 52569

The foregoing appropriation item 195912, Job Ready Site 52570  
Development General Obligation Bond Debt Service, shall be used to 52571  
pay all debt service and related financing costs during the period 52572  
from July 1, 2021, through June 30, 2023, on obligations issued 52573  
under sections 151.01 and 151.11 of the Revised Code. 52574

**Section 259.30.** MINORITY BUSINESS BONDING FUND 52575

Notwithstanding Chapters 122., 169., and 175. of the Revised 52576

Code, the Director of Development may, upon the recommendation of 52577  
the Minority Development Financing Advisory Board, pledge up to 52578  
\$10,000,000 in the biennium ending June 30, 2023, of unclaimed 52579  
funds administered by the Director of Commerce and allocated to 52580  
the Minority Business Bonding Program under section 169.05 of the 52581  
Revised Code. 52582

If needed for the payment of losses arising from the Minority 52583  
Business Bonding Program, the Director of Budget and Management 52584  
may, at the request of the Director of Development, request that 52585  
the Director of Commerce transfer unclaimed funds that have been 52586  
reported by holders of unclaimed funds under section 169.05 of the 52587  
Revised Code to the Minority Bonding Fund (Fund 4490). The 52588  
transfer of unclaimed funds shall only occur after proceeds of the 52589  
initial transfer of \$2,700,000 by the Controlling Board to the 52590  
Minority Business Bonding Program have been used for that purpose. 52591  
If expenditures are required for payment of losses arising from 52592  
the Minority Business Bonding Program, such expenditures shall be 52593  
made from appropriation item 195658, Minority Business Bonding 52594  
Contingency in the Minority Business Bonding Fund, and such 52595  
amounts are hereby appropriated. 52596

**BUSINESS ASSISTANCE PROGRAMS 52597**

The foregoing appropriation item 195649, Business Assistance 52598  
Programs, shall be used for administrative expenses associated 52599  
with the operation of loan incentives within the Office of 52600  
Strategic Business Investments. 52601

**STATE SPECIAL PROJECTS 52602**

The State Special Projects Fund (Fund 4F20), may be used for 52603  
the deposit of private-sector funds from utility companies and for 52604  
the deposit of other miscellaneous state funds. State moneys so 52605  
deposited may also be used to match federal funding and to support 52606  
programs of the Community Service Division and Business Services 52607

Division.	52608
MINORITY BUSINESS ENTERPRISE LOAN	52609
The foregoing appropriation item 195646, Minority Business	52610
Enterprise Loan, shall be used for awards under the Minority	52611
Business Enterprise Loan Program and to cover operating expenses	52612
of the Minority Business Development Division. All repayments from	52613
the Minority Development Financing Advisory Board Loan Program	52614
shall be deposited in the state treasury to the credit of the	52615
Minority Business Enterprise Loan Fund (Fund 4W10).	52616
ADVANCED ENERGY LOAN PROGRAMS	52617
The foregoing appropriation item 195660, Advanced Energy Loan	52618
Programs, shall be used to provide financial assistance to	52619
customers for eligible advanced energy projects for residential,	52620
commercial, and industrial business, local government, educational	52621
institution, nonprofit, and agriculture customers. The	52622
appropriation item may be used to match federal grant funding and	52623
to pay for the program's administrative costs as provided in	52624
sections 4928.61 to 4928.63 of the Revised Code and rules adopted	52625
by the Director of Development.	52626
MBD FINANCIAL ASSISTANCE FUND	52627
On July 1, 2021, or as soon as possible thereafter, the	52628
Director of Budget and Management may transfer \$20,000,000 cash	52629
from the State Small Business Credit Initiative Fund (Fund 3FJ0)	52630
to the MBD Financial Assistance Fund (Fund 5XH0), which is hereby	52631
created in the state treasury. All repayments from loans using	52632
Fund 5XH0 shall be credited to the fund.	52633
MINORITY BUSINESS MICROLOAN	52634
The foregoing appropriation item 195694, Micro-Enterprise	52635
Loan, shall be used to operate the Minority Business Microloan	52636
Program.	52637

WOMEN-OWNED BUSINESS LOAN	52638
The foregoing appropriation item 195632, Women-Owned Business Loan, shall be used to operate the Women-Owned Business Program.	52639 52640 52641
VOLUME CAP ADMINISTRATION	52642
The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.	52643 52644 52645 52646 52647 52648
<b>Section 259.40. SUPPORTIVE SERVICES FUND</b>	52649
On July 1 of each year in the biennium ending June 30, 2023, or as soon as possible thereafter, respectively, the Director of Budget and Management may transfer up to \$2,000,000 from the State Special Projects Fund (Fund 4F20) to the Supportive Services Fund (Fund 1350).	52650 52651 52652 52653 52654
DEVELOPMENT SERVICES OPERATIONS	52655
The Director of Development may assess offices of the department for the cost of central service operations. An assessment shall contain the characteristics of administrative ease and uniform application. A division's payments shall be credited to the Supportive Services Fund (Fund 1350) using an intrastate transfer voucher.	52656 52657 52658 52659 52660 52661
DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES	52662
The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the department. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and	52663 52664 52665 52666 52667

repayments of loans, including the interest thereon, made from the 52668  
Water and Sewer Fund (Fund 4440). 52669

**Section 259.50. CAPITAL ACCESS LOAN PROGRAM** 52670

The foregoing appropriation item 195628, Capital Access Loan 52671  
Program, shall be used for operating, program, and administrative 52672  
expenses of the program. Capital Access Loan Program funds shall 52673  
be used in accordance with section 122.603 of the Revised Code to 52674  
assist participating financial institutions in making program 52675  
loans to eligible businesses that face barriers in accessing 52676  
working capital and obtaining fixed-asset financing. 52677

The Director of Budget and Management may transfer an amount 52678  
not to exceed \$2,000,000 cash in each fiscal year between the 52679  
Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital 52680  
Access Loan Fund (Fund 5S90), subject to Controlling Board 52681  
approval. 52682

**INNOVATION OHIO** 52683

The foregoing appropriation item 195664, Innovation Ohio, 52684  
shall be used to provide for Innovation Ohio purposes, including 52685  
loan guarantees and loans under Chapter 166. and particularly 52686  
sections 166.12 to 166.16 of the Revised Code. 52687

**RESEARCH AND DEVELOPMENT** 52688

The foregoing appropriation item 195665, Research and 52689  
Development, shall be used to provide for research and development 52690  
purposes, including loans, under Chapter 166. and particularly 52691  
sections 166.17 to 166.21 of the Revised Code. 52692

**FACILITIES ESTABLISHMENT** 52693

The foregoing appropriation item 195615, Facilities 52694  
Establishment, shall be used for the purposes of the Facilities 52695  
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 52696  
Code. In the biennium ending June 30, 2023, notwithstanding 52697

sections 127.14 and 131.35 of the Revised Code, the Controlling Board may authorize expenditures, in excess of the amount appropriated, using the Facilities Establishment Fund (Fund 7037) for purposes consistent with Chapter 166. of the Revised Code. The amounts authorized by the Controlling Board are hereby appropriated.

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$3,500,000 in cash in each fiscal year may be transferred from the Facilities Establishment Fund (Fund 7037) to the Business Assistance Fund (Fund 4510), subject to Controlling Board approval.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$5,000,000 in cash in each fiscal year from Fund 7037 to the Minority Business Enterprise Loan Fund (Fund 4W10), subject to Controlling Board approval.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$2,000,000 in cash in each fiscal year from Fund 7037 to the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.

**Section 259.60.** THIRD FRONTIER OPERATING COSTS

The foregoing appropriation items 195686, Third Frontier Tax Exempt - Operating, and 195620, Third Frontier Taxable - Operating, shall be used for operating expenses incurred in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from appropriation item 195686 shall be limited to the administration of projects funded from the Third Frontier Research & Development Fund (Fund 7011)

and operating expenses paid from appropriation item 195620 shall 52728  
be limited to the administration of projects funded from the Third 52729  
Frontier Research & Development Taxable Bond Project Fund (Fund 52730  
7014). 52731

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 52732  
PROJECTS 52733

The foregoing appropriation items 195687, Third Frontier 52734  
Research & Development Projects, and 195692, Research & 52735  
Development Taxable Bond Projects, shall be used to fund selected 52736  
projects which may include internship programs. Eligible costs are 52737  
those costs of research and development projects to which the 52738  
proceeds of Fund 7011 and Fund 7014 are to be applied. 52739

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 52740

The Director of Budget and Management may approve written 52741  
requests from the Director of Development for the transfer of 52742  
appropriations between appropriation items 195687, Third Frontier 52743  
Research & Development Projects, and 195692, Research & 52744  
Development Taxable Bond Projects, based upon awards recommended 52745  
by the Third Frontier Commission. 52746

In fiscal year 2023, the Director of Development may request 52747  
that the Director of Budget and Management reappropriate any 52748  
unexpended, unencumbered balances of the prior fiscal year's 52749  
appropriation to the foregoing appropriation items 195687, Third 52750  
Frontier Research & Development Projects, and 195692, Research & 52751  
Development Taxable Bond Projects, for fiscal year 2023. The 52752  
Director of Budget and Management may request additional 52753  
information necessary for evaluating these requests, and the 52754  
Director of Development shall provide the requested information to 52755  
the Director of Budget and Management. Based on the information 52756  
provided by the Director of Development, the Director of Budget 52757  
and Management shall determine the amounts to be reappropriated, 52758

and those amounts are hereby reappropriated for fiscal year 2023. 52759

**Section 259.70.** HEAP WEATHERIZATION 52760

Up to twenty-five per cent of the federal funds deposited to 52761  
the credit of the Home Energy Assistance Block Grant Fund (Fund 52762  
3K90) may be expended from appropriation item 195614, HEAP 52763  
Weatherization, to provide home weatherization services in the 52764  
state as determined by the Director of Development. 52765

**Section 259.80.** OHIO INCUMBENT WORKFORCE JOB TRAINING FUND 52766

On July 1, 2021, or as soon as possible thereafter, the 52767  
Director of Development, in consultation with the Treasurer of 52768  
State, shall certify to the Director of Budget and Management the 52769  
amount of bond proceeds collected under Chapter 3366. of the 52770  
Revised Code in the semiannual period beginning January 1, 2021, 52771  
and ending June 30, 2021. The Director of Budget and Management 52772  
shall transfer an amount of cash equal to the certified amount 52773  
from the fund designated by the Treasurer of State to receive the 52774  
bond proceeds collected under Chapter 3366. of the Revised Code to 52775  
the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0). 52776

**Section 261.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 52777

General Revenue Fund 52778

GRF	320411	Special Olympics	\$	100,000	\$	100,000	52779
GRF	320412	Protective Services	\$	2,450,000	\$	2,600,000	52780
GRF	320415	Developmental	\$	27,000,000	\$	27,000,000	52781
		Disabilities					
		Facilities Lease					
		Rental Bond Payments					
GRF	322421	Part C Early	\$	22,326,431	\$	22,326,431	52782
		Intervention					
GRF	322422	Multi System Youth	\$	2,500,000	\$	4,000,000	52783

GRF	322508	Employment First Initiative	\$	2,700,000	\$	2,700,000	52784
GRF	322509	Community Supports and Rental Assistance	\$	1,700,000	\$	700,000	52785
GRF	653321	Medicaid Program Support - State	\$	7,000,000	\$	7,000,000	52786
GRF	653407	Medicaid Services	\$	637,000,000	\$	707,000,000	52787
TOTAL GRF		General Revenue Fund	\$	702,776,431	\$	773,426,431	52788
		Dedicated Purpose Fund Group					52789
2210	322620	Supplement Service Trust	\$	500,000	\$	500,000	52790
4890	653632	Developmental Centers Direct Care Services	\$	7,000,000	\$	7,000,000	52791
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	52792
5EV0	653627	Medicaid Program Support	\$	2,500,000	\$	2,500,000	52793
5GE0	320606	Central Office Operating Expenses	\$	20,500,000	\$	20,500,000	52794
5GE0	653606	ICF/IID and Waiver Match	\$	60,100,000	\$	60,100,000	52795
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	52796
5S20	653622	Medicaid Administration & Oversight	\$	29,000,000	\$	30,000,000	52797
5Z10	653624	County Board Waiver Match	\$	420,000,000	\$	482,000,000	52798
TOTAL DPF		Dedicated Purpose Fund Group	\$	541,250,000	\$	604,250,000	52799
		Internal Service Activity Fund Group					52800
1520	653609	DC and Residential Facilities Operating	\$	11,000,000	\$	12,000,000	52801

Services

TOTAL ISA Internal Service Activity	\$	11,000,000	\$	12,000,000	52802
Fund Group					
Federal Fund Group					52803
3250 322612 Community Social	\$	26,997,635	\$	26,997,635	52804
Service Programs					
3A40 653654 Medicaid Services	\$	2,200,000,000	\$	2,200,000,000	52805
3A40 653655 Medicaid Support	\$	73,000,000	\$	76,000,000	52806
3A50 320613 Developmental	\$	3,200,000	\$	3,200,000	52807
Disabilities Council					
TOTAL FED Federal Fund Group	\$	2,303,197,635	\$	2,306,197,635	52808
TOTAL ALL BUDGET FUND GROUPS	\$	3,558,224,066	\$	3,695,874,066	52809

**Section 261.20. SPECIAL OLYMPICS** 52811

The foregoing appropriation item 320411, Special Olympics, 52812  
shall be distributed to the Special Olympics of Ohio. 52813

**Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES** 52814

LEASE-RENTAL BOND PAYMENTS 52815

The foregoing appropriation item 320415, Developmental 52816  
Disabilities Facilities Lease Rental Bond Payments, shall be used 52817  
to meet all payments during the period from July 1, 2021, through 52818  
June 30, 2023, by the Department of Developmental Disabilities 52819  
pursuant to leases and agreements made under section 154.20 of the 52820  
Revised Code. These appropriations are the source of funds pledged 52821  
for bond service charges on related obligations issued under 52822  
Chapter 154. of the Revised Code. 52823

**Section 261.40. MULTI-SYSTEM YOUTH** 52824

Of the foregoing appropriation item 322422, Multi-System 52825  
Youth, a portion may be used to provide a subsidy to eligible 52826  
county boards of developmental disabilities for the provision of 52827

respite services and other services and supports for youth with 52828  
complex or multi-system needs to enable them to remain in their 52829  
homes with their families or in their communities. The Director of 52830  
Developmental Disabilities shall establish the total amount 52831  
available for the subsidy, a formula for distributing the subsidy 52832  
to eligible county boards, and the eligibility requirements county 52833  
boards must satisfy to receive the subsidy. 52834

**Section 261.50. EMPLOYMENT FIRST INITIATIVE** 52835

The foregoing appropriation item 322508, Employment First 52836  
Initiative, shall be used to increase employment opportunities for 52837  
individuals with developmental disabilities through the Employment 52838  
First Initiative in accordance with section 5123.022 of the 52839  
Revised Code. 52840

Of the foregoing appropriation item, 322508, Employment First 52841  
Initiative, the Director of Developmental Disabilities shall 52842  
transfer, in each fiscal year, to the Opportunities for Ohioans 52843  
with Disabilities Agency an amount agreed upon by the Director of 52844  
Developmental Disabilities and the Executive Director of the 52845  
Opportunities for Ohioans with Disabilities Agency. The transfer 52846  
shall be made via an intrastate transfer voucher. The transferred 52847  
funds shall be used to support the Employment First Initiative. 52848  
The Opportunities for Ohioans with Disabilities Agency shall use 52849  
the funds transferred as state matching funds to obtain available 52850  
federal grant dollars for vocational rehabilitation services. Any 52851  
federal match dollars received by the Opportunities for Ohioans 52852  
with Disabilities Agency shall be used for the initiative. The 52853  
Director of Developmental Disabilities and the Executive Director 52854  
of the Opportunities for Ohioans with Disabilities Agency shall 52855  
enter into an interagency agreement in accordance with section 52856  
3304.181 of the Revised Code that will specify the 52857  
responsibilities of each agency under the initiative. Under the 52858

interagency agreement, the Opportunities for Ohioans with 52859  
Disabilities Agency shall retain responsibility for eligibility 52860  
determination, order of selection, plan approval, plan amendment, 52861  
and release of vendor payments. 52862

The remainder of appropriation item 322508, Employment First 52863  
Initiative, shall be used to develop a long-term, sustainable 52864  
system that places individuals with developmental disabilities in 52865  
community employment, as defined in section 5123.022 of the 52866  
Revised Code. 52867

**Section 261.60. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE** 52868

The foregoing appropriation item 322509, Community Supports 52869  
and Rental Assistance, may be used by the Director of 52870  
Developmental Disabilities to provide funding to county boards of 52871  
developmental disabilities for rental assistance to individuals 52872  
with developmental disabilities receiving home and community-based 52873  
services as defined in section 5123.01 of the Revised Code 52874  
pursuant to section 5124.60 of the Revised Code or section 5124.69 52875  
of the Revised Code and individuals with developmental 52876  
disabilities who enroll in a Medicaid waiver component providing 52877  
home and community-based services after receiving preadmission 52878  
counseling pursuant to section 5124.68 of the Revised Code. The 52879  
Director shall establish the methodology for determining the 52880  
amount and distribution of such funding. 52881

**Section 261.70. MEDICAID SERVICES** 52882

(A) As used in this section: 52883

(1) "Home and community-based services" has the same meaning 52884  
as in section 5123.01 of the Revised Code. 52885

(2) "ICF/IID services" has the same meaning as in section 52886  
5124.01 of the Revised Code. 52887

(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:	52888 52889 52890
(1) Home and community-based services;	52891
(2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;	52892 52893 52894 52895
(3) Implementation of the requirements of the agreement settling the consent decree in Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;	52896 52897 52898 52899
(4) ICF/IID services; and	52900
(5) Other programs as identified by the Director of Developmental Disabilities.	52901 52902
<b>Section 261.80. OPERATING AND SERVICES</b>	52903
Of the foregoing appropriation item 320606, Operating and Services, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.	52904 52905 52906 52907
<b>Section 261.90. COMMUNITY SOCIAL SERVICE PROGRAMS</b>	52908
A portion of the foregoing appropriation item 322612, Community Social Service Programs, may be used by the Early Intervention Services Advisory Council for the following purposes:	52909 52910 52911
(A) In addition to other necessary and allowed uses of funds and in accordance with 20 U.S.C. 1441(d), the Early Intervention Services Advisory Council established pursuant to section 5123.0422 of the Revised Code, may, in its discretion, use budgeted funds to do all of the following:	52912 52913 52914 52915 52916

(1) Conduct forums and hearings;	52917
(2) Reimburse council members for reasonable and necessary expenses, including child care expenses for parent representatives, for attending council meetings and performing council duties;	52918 52919 52920 52921
(3) Pay compensation to a council member if the member is not employed or must forfeit wages from other employment when performing official council business;	52922 52923 52924
(4) Hire staff;	52925
(5) Obtain the services of professional, technical, and clerical personnel as necessary to carry out the performance of its lawful functions.	52926 52927 52928
(B) Except as provided in division (A) of this section, council members shall serve without compensation or reimbursement.	52929 52930
<b>Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES</b>	52931
As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	52932 52933
The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2022 and fiscal year 2023 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.	52934 52935 52936 52937 52938 52939 52940 52941 52942
<b>Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT</b>	52943
If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental	52944 52945

Disabilities by the due date established by the Department, the 52946  
Director of Developmental Disabilities may withhold the amount the 52947  
county board did not pay from any amounts due to the county board. 52948  
The Director may use any appropriation item or fund used by the 52949  
Department to transfer cash to any other fund used by the 52950  
Department in an amount equal to the amount owed the Department 52951  
that the county board did not pay. Transfers under this section 52952  
shall be made using an intrastate transfer voucher. 52953

**Section 261.120.** ODODD INNOVATIVE PILOT PROJECTS 52954

(A) In fiscal year 2022 and fiscal year 2023, the Director of 52955  
Developmental Disabilities may authorize the continuation or 52956  
implementation of one or more innovative pilot projects that, in 52957  
the judgment of the Director, are likely to assist in promoting 52958  
the objectives of Chapter 5123. or 5126. of the Revised Code. 52959  
Subject to division (B) of this section and notwithstanding any 52960  
provision of Chapters 5123. and 5126. of the Revised Code and any 52961  
rule adopted under either chapter, a pilot project authorized by 52962  
the Director may be continued or implemented in a manner 52963  
inconsistent with one or more provisions of either chapter or one 52964  
or more rules adopted under either chapter. Before authorizing a 52965  
pilot program, the Director shall consult with entities interested 52966  
in the issue of developmental disabilities, including the Ohio 52967  
Provider Resource Association, Ohio Association of County Boards 52968  
of Developmental Disabilities, Ohio Health Care Association/Ohio 52969  
Centers for Intellectual Disabilities, the Values and Faith 52970  
Alliance, and ARC of Ohio. 52971

(B) The Director may not authorize a pilot project to be 52972  
implemented in a manner that would cause the state to be out of 52973  
compliance with any requirements for a program funded in whole or 52974  
in part with federal funds. 52975

<b>Section 261.130. NONFEDERAL SHARE OF ICF/IID SERVICES</b>	52976
(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.	52977 52978 52979
(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:	52980 52981 52982 52983
(1) Medicaid covers the ICF/IID services.	52984
(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:	52985 52986
(a) The Medicaid recipient is eligible for the ICF/IID services.	52987 52988
(b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.	52989 52990 52991 52992
(3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.	52993 52994 52995
(4) The provider of the ICF/IID services has a valid Medicaid provider agreement for the services for the time that the services are provided.	52996 52997 52998
(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:	52999 53000 53001
(1) Funds available from appropriation item 653407, Medicaid Services, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID	53002 53003 53004

that provided the ICF/IID services for which the claim is made; 53005

(2) If the amount of funds used pursuant to division (C)(1) 53006  
of this section is insufficient to pay the claim in full, an 53007  
amount of funds that are needed to make up the difference and 53008  
available from amounts the Director allocates to other county 53009  
boards from appropriation item 653407, Medicaid Services. 53010

**Section 261.140. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 53011**  
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 53012

(A) As used in this section: 53013

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 53014  
that converted some or all of its beds to providing home and 53015  
community-based services under the IO Waiver pursuant to section 53016  
5124.60 of the Revised Code. 53017

(2) "Developmental center" and "ICF/IID" have the same 53018  
meanings as in section 5124.01 of the Revised Code. 53019

(3) "IO Waiver" means the Medicaid waiver component, as 53020  
defined in section 5166.01 of the Revised Code, known as 53021  
Individual Options. 53022

(4) "Medicaid provider" has the same meaning as in section 53023  
5164.01 of the Revised Code. 53024

(5) "Public hospital" has the same meaning as in section 53025  
5122.01 of the Revised Code. 53026

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 53027  
whom all of the following apply: 53028

(a) The enrollee resided in a developmental center, converted 53029  
facility, or public hospital immediately before enrolling in the 53030  
IO Wavier. 53031

(b) The enrollee did not receive before July 1, 2011, routine 53032  
homemaker/personal care services from the Medicaid provider that 53033

is to be paid the Medicaid rate authorized by this section for 53034  
providing such services to the enrollee during the period 53035  
specified in division (C) of this section. 53036

(c) The Director of Developmental Disabilities has determined 53037  
that the enrollee's special circumstances (including the 53038  
enrollee's diagnosis, service needs, or length of stay at the 53039  
developmental center, converted facility, or public hospital) 53040  
warrants paying the Medicaid rate authorized by this section. 53041

(B) The total Medicaid payment rate for each fifteen minutes 53042  
of routine homemaker/personal care services that a Medicaid 53043  
provider provides to a qualifying IO enrollee during the period 53044  
specified in division (C) of this section shall be fifty-two cents 53045  
higher than the Medicaid payment rate in effect on the day the 53046  
services are provided for each fifteen minutes of routine 53047  
homemaker/personal care services that a Medicaid provider provides 53048  
to an IO enrollee who is not a qualifying IO enrollee. 53049

(C) Division (B) of this section applies to the first twelve 53050  
months, consecutive or otherwise, that a Medicaid provider, during 53051  
the period beginning July 1, 2021, and ending July 1, 2023, 53052  
provides routine homemaker/personal care services to a qualifying 53053  
IO enrollee. 53054

(D) Of the foregoing appropriation items 653407, Medicaid 53055  
Services, and 653654, Medicaid Services, portions shall be used to 53056  
pay the Medicaid payment rate determined in accordance with this 53057  
section for routine homemaker/personal care services provided to 53058  
qualifying IO enrollees. 53059

**Section 261.150.** FISCAL YEAR 2022 and 2023 ICF/IID MEDICAID 53060  
RATES FOR PEER GROUPS 1, 2, 3, 4, AND 5 53061

(A) As used in this section: 53062

(1) "Change of operator," "entering operator," "exiting 53063

operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 53064  
group 1," "peer group 2," "peer group 3," "peer group 4," "peer 53065  
group 5," "provider," and "provider agreement" have the same 53066  
meanings as in section 5124.01 of the Revised Code. 53067

(2) "Franchise permit fee" means the fee imposed by sections 53068  
5168.60 to 5168.71 of the Revised Code. 53069

(B)(1) This section applies to each ICF/IID that is in peer 53070  
group 1, peer group 2, peer group 3, peer group 4, or peer group 5 53071  
and to which any of the following, as applicable to a fiscal year, 53072  
applies: 53073

(a) In the context of determining an ICF/IID's total Medicaid 53074  
payment rate for fiscal year 2022, any of the following is the 53075  
case: 53076

(i) The provider of the ICF/IID has a valid Medicaid provider 53077  
agreement for the ICF/IID on June 30, 2021, and a valid Medicaid 53078  
provider agreement for the ICF/IID during fiscal year 2022. 53079

(ii) The ICF/IID undergoes a change of operator that takes 53080  
effect during fiscal year 2022, the existing operator has a valid 53081  
Medicaid provider agreement for the ICF/IID on the day immediately 53082  
preceding the effective date of the change of operator, and the 53083  
entering operator has a valid Medicaid provider agreement for the 53084  
ICF/IID during fiscal year 2022. 53085

(iii) The ICF/IID is a new ICF/IID for which the provider 53086  
obtains an initial provider agreement during fiscal year 2022. 53087

(b) In the context of determining an ICF/IID's total Medicaid 53088  
payment rate for fiscal year 2023, any of the following is the 53089  
case: 53090

(i) The provider of the ICF/IID has a valid Medicaid provider 53091  
agreement for the ICF/IID on June 30, 2022, and a valid Medicaid 53092  
provider agreement for the ICF/IID during fiscal year 2023. 53093

(ii) The ICF/IID undergoes a change of operator that takes 53094  
effect during fiscal year 2023, the existing operator has a valid 53095  
Medicaid provider agreement for the ICF/IID on the day immediately 53096  
preceding the effective date of the change of operator, and the 53097  
entering operator has a valid Medicaid provider agreement for the 53098  
ICF/IID during fiscal year 2023. 53099

(iii) The ICF/IID is a new ICF/IID for which the provider 53100  
obtains an initial provider agreement during fiscal year 2023. 53101

(2) Notwithstanding Chapter 5124. of the Revised Code, the 53102  
Department of Developmental Disabilities shall follow this section 53103  
in determining the rate to be paid for ICF/IID services provided 53104  
during fiscal years 2022 and 2023 by ICFs/IID subject to this 53105  
section. 53106

(C) If the mean total per Medicaid day rate for all ICFs/IID 53107  
to which the section applies, as determined under division (B) of 53108  
this section, as of the first day of a fiscal year for which a 53109  
rate is determined under this section and weighted by May Medicaid 53110  
days from the calendar year in which the fiscal year begins, is 53111  
greater than \$350.87, the Department shall adjust, for the fiscal 53112  
year for which the rate is determined, the total per Medicaid day 53113  
rate for each ICF/IID to which this section applies by a 53114  
percentage by which the mean total per Medicaid day rate is 53115  
greater than \$350.87. 53116

(D) If the United States Centers for Medicare and Medicaid 53117  
Services requires that the franchise permit fee be reduced or 53118  
eliminated, the Department shall reduce the amount it pays ICF/IID 53119  
providers under this section as necessary to reflect the loss to 53120  
the state of the revenue and federal financial participation 53121  
generated from the franchise permit fee. 53122

(E) Of the foregoing appropriation items 653407, Medicaid 53123  
Services, 653606, ICF/IID and Waiver Match, and 653654, Medicaid 53124

Services, portions shall be used to pay the Medicaid payment rates 53125  
determined in accordance with this section for ICF/IID services 53126  
provided during fiscal years 2022 and 2023. 53127

**Section 261.160.** COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 53128  
TECHNOLOGY FIRST INITIATIVE 53129

Of the foregoing appropriation item 322509, Community 53130  
Supports and Rental Assistance, up to \$1,000,000 in fiscal year 53131  
2022 may be used to increase access and utilization of innovative 53132  
technology for individuals with developmental disabilities in 53133  
accordance with the Technology First Initiative established in 53134  
section 5123.025 of the Revised Code. An amount equal to the 53135  
unexpended, unencumbered balance of this earmark at the end of 53136  
fiscal year 2022 is hereby reappropriated to appropriation item 53137  
322509, Community Supports and Rental Assistance, for the same 53138  
purpose for fiscal year 2023. 53139

**Section 265.10.** EDU DEPARTMENT OF EDUCATION 53140

General Revenue Fund				53141
GRF 200321	Operating Expenses	\$ 15,140,623	\$ 15,140,623	53142
GRF 200408	Early Childhood	\$ 68,116,789	\$ 68,116,789	53143
	Education			
GRF 200420	Information Technology	\$ 3,680,482	\$ 3,680,482	53144
	Development and			
	Support			
GRF 200422	School Management	\$ 2,337,711	\$ 2,337,711	53145
	Assistance			
GRF 200424	Policy Analysis	\$ 450,950	\$ 450,950	53146
GRF 200426	Ohio Educational	\$ 15,107,422	\$ 15,107,422	53147
	Computer Network			
GRF 200427	Academic Standards	\$ 3,883,525	\$ 3,883,525	53148
GRF 200437	Student Assessment	\$ 56,282,168	\$ 56,282,168	53149

GRF 200439	Accountability/Report Cards	\$	7,168,977	\$	7,197,050	53150
GRF 200442	Child Care Licensing	\$	2,127,153	\$	2,127,153	53151
GRF 200446	Education Management Information System	\$	8,174,415	\$	8,174,415	53152
GRF 200448	Educator Preparation	\$	6,224,384	\$	6,224,384	53153
GRF 200455	Community Schools and Choice Programs	\$	4,412,546	\$	4,412,546	53154
GRF 200465	Education Technology Resources	\$	4,881,854	\$	4,881,854	53155
GRF 200478	Industry-Recognized Credentials High School Students	\$	20,500,000	\$	20,500,000	53156
GRF 200502	Pupil Transportation	\$	527,129,809	\$	527,129,809	53157
GRF 200505	School Lunch Match	\$	8,963,500	\$	8,963,500	53158
GRF 200511	Auxiliary Services	\$	154,939,134	\$	154,939,134	53159
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	69,997,735	\$	69,997,735	53160
GRF 200540	Special Education Enhancements	\$	152,850,000	\$	152,850,000	53161
GRF 200545	Career-Technical Education Enhancements	\$	10,000,892	\$	10,000,892	53162
GRF 200550	Foundation Funding	\$	6,835,618,845	\$	6,806,618,845	53163
GRF 200566	Literacy Improvement	\$	1,052,172	\$	1,052,172	53164
GRF 200572	Adult Education Programs	\$	9,152,210	\$	9,152,210	53165
GRF 200573	EdChoice Expansion	\$	92,179,867	\$	92,179,867	53166
GRF 200574	Half-Mill Maintenance Equalization	\$	17,464,102	\$	15,238,834	53167
GRF 200589	Quality Community Schools Support	\$	54,000,000	\$	54,000,000	53168
GRF 657401	Medicaid in Schools	\$	297,978	\$	297,978	53169

TOTAL GRF General Revenue Fund	\$ 8,152,135,243	\$ 8,120,938,048	53170
Dedicated Purpose Fund Group			
4520 200638 Charges and Reimbursements	\$ 1,000,000	\$ 1,000,000	53172
4L20 200681 Teacher Certification and Licensure	\$ 14,000,000	\$ 14,000,000	53173
5980 200659 Auxiliary Services Reimbursement	\$ 1,300,000	\$ 1,300,000	53174
5H30 200687 School District Solvency Assistance	\$ 2,000,000	\$ 2,000,000	53175
5KX0 200691 Ohio School Sponsorship Program	\$ 1,250,000	\$ 1,250,000	53176
5MM0 200677 Child Nutrition Refunds	\$ 550,000	\$ 550,000	53177
5U20 200685 National Education Statistics	\$ 175,000	\$ 175,000	53178
5VS0 200604 Student Wellness and Success	\$ 500,000,000	\$ 600,000,000	53179
6200 200615 Educational Improvement Grants	\$ 600,000	\$ 600,000	53180
TOTAL DPF Dedicated Purpose Fund Group	\$ 520,875,000	\$ 620,875,000	53181
Internal Service Activity Fund Group			
1380 200606 Information Technology Development and Support	\$ 8,289,074	\$ 8,537,746	53183
4R70 200695 Indirect Operational Support	\$ 7,856,766	\$ 7,856,766	53184
4V70 200633 Interagency Program Support	\$ 5,000,000	\$ 5,000,000	53185
TOTAL ISA Internal Service Activity	\$ 21,145,840	\$ 21,394,512	53186

Fund Group

State Lottery Fund Group				53187
7017	200612	Foundation Funding	\$ 1,190,400,000 \$ 1,219,400,000	53188
7017	200636	Enrollment Growth Supplement	\$ 23,000,000 \$ 23,000,000	53189
7017	200684	Community School Facilities	\$ 20,600,000 \$ 20,600,000	53190
TOTAL SLF State Lottery Fund Group			\$ 1,234,000,000 \$ 1,263,000,000	53191
Federal Fund Group				53192
3670	200607	School Food Services	\$ 12,254,397 \$ 12,611,321	53193
3700	200624	Education of Exceptional Children	\$ 2,000,000 \$ 2,000,000	53194
3AF0	657601	Schools Medicaid Administrative Claims	\$ 295,500 \$ 295,500	53195
3AN0	200671	School Improvement Grants	\$ 17,000,000 \$ 0	53196
3C50	200661	Early Childhood Education	\$ 14,000,000 \$ 14,000,000	53197
3EH0	200620	Migrant Education	\$ 2,700,000 \$ 2,700,000	53198
3EJ0	200622	Homeless Children Education	\$ 3,600,000 \$ 3,600,000	53199
3FE0	200669	Striving Readers	\$ 2,000,000 \$ 0	53200
3GE0	200674	Summer Food Service Program	\$ 60,000,000 \$ 30,000,000	53201
3GG0	200676	Fresh Fruit and Vegetable Program	\$ 5,145,074 \$ 5,145,074	53202
3HF0	200649	Federal Education Grants	\$ 7,056,327 \$ 7,056,327	53203
3HI0	200634	Student Support and Academic Enrichment	\$ 40,042,720 \$ 40,042,720	53204
3HL0	200678	Comprehensive Literacy State	\$ 14,630,000 \$ 14,630,000	53205

		Development Program				
3HQ0	200627	Governor Emergency Education Relief - EDU	\$ 30,104,684	\$	0	53206
3HS0	200640	Federal Coronavirus School Relief	\$ 1,200,000,000	\$ 1,200,000,000		53207
3L60	200617	Federal School Lunch	\$ 430,837,000	\$ 430,837,000		53208
3L70	200618	Federal School Breakfast	\$ 163,350,081	\$ 163,350,081		53209
3L80	200619	Child/Adult Food Programs	\$ 113,328,580	\$ 113,328,580		53210
3L90	200621	Career-Technical Education Basic Grant	\$ 46,000,000	\$ 46,000,000		53211
3M00	200623	ESEA Title 1A	\$ 600,000,000	\$ 600,000,000		53212
3M20	200680	Individuals with Disabilities Education Act	\$ 490,000,000	\$ 500,000,000		53213
3T40	200613	Public Charter Schools	\$ 4,500,000	\$ 4,500,000		53214
3Y20	200688	21st Century Community Learning Centers	\$ 43,000,000	\$ 43,000,000		53215
3Y60	200635	Improving Teacher Quality	\$ 77,000,000	\$ 77,000,000		53216
3Y70	200689	English Language Acquisition	\$ 11,000,000	\$ 11,000,000		53217
3Y80	200639	Rural and Low Income Technical Assistance	\$ 3,600,000	\$ 3,600,000		53218
3Z20	200690	State Assessments	\$ 12,000,000	\$ 12,000,000		53219
3Z30	200645	Consolidated Federal Grant Administration	\$ 10,900,000	\$ 10,900,000		53220
TOTAL FED		Federal Fund Group	\$ 3,416,344,363	\$ 3,347,596,603		53221
TOTAL ALL		BUDGET FUND GROUPS	\$13,344,500,446	\$13,373,804,163		53222

**Section 265.20. OPERATING EXPENSES** 53224

A portion of the foregoing appropriation item 200321, 53225  
Operating Expenses, shall be used by the Department of Education 53226  
to provide matching funds related to career-technical education 53227  
under 20 U.S.C. 2321. 53228

**EARLY CHILDHOOD EDUCATION** 53229

The Department of Education shall distribute the foregoing 53230  
appropriation item 200408, Early Childhood Education, to pay the 53231  
costs of early childhood education programs. The Department shall 53232  
distribute such funds directly to qualifying providers. 53233

(A) As used in this section: 53234

(1) "Provider" means a city, local, exempted village, or 53235  
joint vocational school district; an educational service center; a 53236  
community school established under Chapter 3314. of the Revised 53237  
Code that is sponsored by an exemplary sponsor; notwithstanding 53238  
anything to the contrary in Chapter 3326. of the Revised Code, a 53239  
STEM school that is established under that chapter; a chartered 53240  
nonpublic school; an early childhood education child care provider 53241  
licensed under Chapter 5104. of the Revised Code that participates 53242  
in and meets at least the third highest tier of the Step Up to 53243  
Quality program established pursuant to section 5104.29 of the 53244  
Revised Code; or a combination of entities described in this 53245  
paragraph. 53246

(2) In the case of a city, local, or exempted village school 53247  
district or early childhood education child care provider licensed 53248  
under Chapter 5104. of the Revised Code, "new eligible provider" 53249  
means a provider that did not receive state funding for Early 53250  
Childhood Education in the previous fiscal year or demonstrates a 53251  
need for early childhood programs as defined in division (D) of 53252  
this section. 53253

(3) In the case of a community school, "new eligible provider" means either of the following: 53254  
53255

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year; 53256  
53257  
53258  
53259  
53260  
53261

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria: 53262  
53263

(i) It has received, on its most recent report card, either of the following: 53264  
53265

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code; 53266  
53267  
53268  
53269  
53270

(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code. 53271  
53272  
53273  
53274

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code. 53275  
53276

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year. 53277  
53278

(4)(a) "Eligible child" means a child who is at least four years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an 53279  
53280  
53281  
53282  
53283

Individualized Education Program and where the Early Childhood  
Education program is the least restrictive environment may be  
enrolled on their fourth birthday.

(b) If, on the first day of October of each fiscal year, a  
provider has remaining award funds after enrolling eligible  
children under division (A)(4)(a) of this section, the provider  
may seek approval from the Department to consider a child who is  
at least three years of age, is not of age to be eligible for  
kindergarten, and whose family earns not more than two hundred per  
cent of the federal poverty guidelines as an eligible child. Upon  
approval from the Department, the provider may use the remaining  
award funds to serve such three-year-old children as eligible  
children.

(5) "Early learning program standards" means early learning  
program standards for school readiness developed by the Department  
to assess the operation of early learning and development  
programs.

(6) "Early learning and development programs" has the same  
meaning as in section 5104.29 of the Revised Code.

(B) In each fiscal year, up to two per cent of the total  
appropriation may be used by the Department for program support  
and technical assistance. The Department shall distribute the  
remainder of the appropriation in each fiscal year to serve  
eligible children.

(C) The Department shall provide an annual report to the  
Governor, the Speaker of the House of Representatives, and the  
President of the Senate and post the report to the Department's  
web site, regarding early childhood education programs operated  
under this section and the early learning program standards.

(D) After setting aside the amounts to make payments due from  
the previous fiscal year, in fiscal year 2022, the Department

shall distribute funds first to recipients of funds for early 53315  
childhood education programs under Section 265.20 of H.B. 166 of 53316  
the 133rd General Assembly in the previous fiscal year and the 53317  
balance to new eligible providers of early childhood education 53318  
programs or to existing providers to serve more eligible children 53319  
pursuant to division (E) of this section or for purposes of 53320  
program expansion, improvement, or special projects to promote 53321  
quality and innovation. 53322

After setting aside the amounts to make payments due from the 53323  
previous fiscal year, in fiscal year 2023, the Department shall 53324  
distribute funds first to providers of early childhood education 53325  
programs under this section in the previous fiscal year and the 53326  
balance to new eligible providers or to existing providers to 53327  
serve more eligible children as outlined under division (E) of 53328  
this section or for purposes of program expansion, improvement, or 53329  
special projects to promote quality and innovation. 53330

(E)(1) The Department shall distribute any new or remaining 53331  
funding to existing providers of early childhood education 53332  
programs or any new eligible providers in an effort to invest in 53333  
high quality early childhood programs where there is a need as 53334  
determined by the Department. The Department shall distribute the 53335  
new or remaining funds to existing providers of early childhood 53336  
education programs or any new eligible providers to serve 53337  
additional eligible children based on community economic 53338  
disadvantage, limited access to high quality preschool or 53339  
childcare services, and demonstration of high quality preschool 53340  
services as determined by the Department using new metrics 53341  
developed pursuant to Ohio's Race to the Top—Early Learning 53342  
Challenge Grant, awarded to the Department in December 2011. 53343

(2) Awards under divisions (D) and (E) of this section shall 53344  
be distributed on a per-pupil basis, and in accordance with 53345  
division (I) of this section. The Department may adjust the 53346

per-pupil amount so that the per-pupil amount multiplied by the 53347  
number of eligible children enrolled and receiving services on the 53348  
first day of December or the business day closest to that date 53349  
equals the amount allocated under this section. 53350

(F) Costs for developing and administering an early childhood 53351  
education program may not exceed fifteen per cent of the total 53352  
approved costs of the program. 53353

All providers shall maintain such fiscal control and 53354  
accounting procedures as may be necessary to ensure the 53355  
disbursement of, and accounting for, these funds. The control of 53356  
funds provided in this program, and title to property obtained, 53357  
shall be under the authority of the approved provider for purposes 53358  
provided in the program unless, as described in division (K) of 53359  
this section, the program waives its right for funding or a 53360  
program's funding is eliminated or reduced due to its inability to 53361  
meet financial or early learning program standards. The approved 53362  
provider shall administer and use such property and funds for the 53363  
purposes specified. 53364

(G) The Department may examine a provider's financial and 53365  
program records. If the financial practices of the program are not 53366  
in accordance with standard accounting principles or do not meet 53367  
financial standards outlined under division (F) of this section, 53368  
or if the program fails to substantially meet the early learning 53369  
program standards, meet a quality rating level in the Step Up to 53370  
Quality program established pursuant to section 5104.29 of the 53371  
Revised Code as prescribed by the Department, or exhibits below 53372  
average performance as measured against the standards, the early 53373  
childhood education program shall propose and implement a 53374  
corrective action plan that has been approved by the Department. 53375  
The approved corrective action plan shall be signed by the chief 53376  
executive officer and the executive of the official governing body 53377  
of the provider. The corrective action plan shall include a 53378

schedule for monitoring by the Department. Such monitoring may 53379  
include monthly reports, inspections, a timeline for correction of 53380  
deficiencies, and technical assistance to be provided by the 53381  
Department or obtained by the early childhood education program. 53382  
The Department may withhold funding pending corrective action. If 53383  
an early childhood education program fails to satisfactorily 53384  
complete a corrective action plan, the Department may deny 53385  
expansion funding to the program or withdraw all or part of the 53386  
funding to the program and establish a new eligible provider 53387  
through a selection process established by the Department. 53388

(H)(1) If the early childhood education program is licensed 53389  
by the Department of Education and is not highly rated, as 53390  
determined by the Director of Job and Family Services, under the 53391  
Step Up to Quality program established pursuant to section 5104.29 53392  
of the Revised Code, the program shall do all of the following: 53393

(a) Meet teacher qualification requirements prescribed by 53394  
section 3301.311 of the Revised Code; 53395

(b) Align curriculum to the early learning content standards 53396  
developed by the Department; 53397

(c) Meet any child or program assessment requirements 53398  
prescribed by the Department; 53399

(d) Require teachers, except teachers enrolled and working to 53400  
obtain a degree pursuant to section 3301.311 of the Revised Code, 53401  
to attend a minimum of twenty hours every two years of 53402  
professional development as prescribed by the Department; 53403

(e) Document and report child progress as prescribed by the 53404  
Department; 53405

(f) Meet and report compliance with the early learning 53406  
program standards as prescribed by the Department; 53407

(g) Participate in the Step Up to Quality program established 53408

pursuant to section 5104.29 of the Revised Code. 53409

(2) If the program is highly rated, as determined by the 53410  
Director of Job and Family Services, under the Step Up to Quality 53411  
program established pursuant to section 5104.29 of the Revised 53412  
Code, the program shall comply with the requirements of that 53413  
program. 53414

(I) Per-pupil funding for programs subject to this section 53415  
shall be sufficient to provide eligible children with services for 53416  
a standard early childhood schedule which shall be defined in this 53417  
section as a minimum of twelve and one-half hours per school week 53418  
as defined in section 3313.62 of the Revised Code for the minimum 53419  
school year as defined in sections 3313.48, 3313.481, and 3313.482 53420  
of the Revised Code. Nothing in this section shall be construed to 53421  
prohibit program providers from utilizing other funds to serve 53422  
eligible children in programs that exceed the twelve and one-half 53423  
hours per week or that exceed the minimum school year. For any 53424  
provider for which a standard early childhood education schedule 53425  
creates a hardship or for which the provider shows evidence that 53426  
the provider is working in collaboration with a preschool special 53427  
education program, the provider may submit a waiver to the 53428  
Department requesting an alternate schedule. If the Department 53429  
approves a waiver for an alternate schedule that provides services 53430  
for less time than the standard early childhood education 53431  
schedule, the Department may reduce the provider's annual 53432  
allocation proportionately. Under no circumstances shall an annual 53433  
allocation be increased because of the approval of an alternate 53434  
schedule. 53435

(J) Each provider shall develop a sliding fee scale based on 53436  
family incomes and shall charge families who earn more than two 53437  
hundred per cent of the federal poverty guidelines, as defined in 53438  
division (A)(3) of section 5101.46 of the Revised Code, for the 53439  
early childhood education program. 53440

The Department shall conduct an annual survey of each provider to determine whether the provider charges families tuition or fees, the amount families are charged relative to family income levels, and the number of families and students charged tuition and fees for the early childhood program.

(K) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program standards, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department for new grant awards or expansion grants. The Department may award new grants or expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the selection process established by the Department.

(L) Eligible expenditures for the Early Childhood Education Program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) The Department of Education and the Department of Job and Family Services shall continue to work toward establishing the following in common between early childhood education programs and publicly funded child care:

(a) An application;

(b) Program eligibility;	53472
(c) Funding;	53473
(d) An attendance policy;	53474
(e) An attendance tracking system.	53475
(2) In accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.	53476 53477 53478 53479
(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this division.	53480 53481 53482 53483 53484
<b>Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT</b>	53485 53486
The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.	53487 53488 53489 53490 53491 53492 53493 53494 53495 53496 53497 53498 53499 53500

**Section 265.50. SCHOOL MANAGEMENT ASSISTANCE** 53501

The foregoing appropriation item 200422, School Management 53502  
Assistance, shall be used by the Department of Education to 53503  
provide fiscal technical assistance and inservice education for 53504  
school district management personnel and to administer, monitor, 53505  
and implement the fiscal caution, fiscal watch, and fiscal 53506  
emergency provisions under Chapter 3316. of the Revised Code. 53507

**Section 265.60. POLICY ANALYSIS** 53508

The foregoing appropriation item 200424, Policy Analysis, 53509  
shall be used by the Department of Education to support a system 53510  
of administrative and statistical education information to be used 53511  
for policy analysis. Staff supported by this appropriation shall 53512  
administer the development of reports, analyses, and briefings 53513  
regarding current trends in education practice, efficient and 53514  
effective use of resources, and evaluation of programs to improve 53515  
education results. A portion of these funds shall be used to 53516  
maintain a longitudinal database to support the assessment of the 53517  
impact of policies and programs on Ohio's education and workforce 53518  
development systems. The research efforts supported by this 53519  
appropriation item shall be used to supply information and 53520  
analysis of data to and in consultation with the General Assembly 53521  
and other state policymakers, including the Office of Budget and 53522  
Management and the Legislative Service Commission. 53523

A portion of the foregoing appropriation item, 200424, Policy 53524  
Analysis, may be used by the Department to support the development 53525  
and implementation of an evidence-based clearinghouse to support 53526  
school improvement strategies as part of the Every Student 53527  
Succeeds Act. 53528

The Department may use funding from this appropriation item 53529  
to purchase or contract for the development of software systems or 53530

contract for policy studies that will assist in the provision and 53531  
analysis of policy-related information. Funding from this 53532  
appropriation item also may be used to monitor and enhance quality 53533  
assurance for research-based policy analysis and program 53534  
evaluation to enhance the effective use of education information 53535  
to inform education policymakers. 53536

**Section 265.70.** OHIO EDUCATIONAL COMPUTER NETWORK 53537

The foregoing appropriation item 200426, Ohio Educational 53538  
Computer Network, shall be used by the Department of Education to 53539  
maintain a system of information technology throughout Ohio and to 53540  
provide technical assistance for such a system. 53541

Of the foregoing appropriation item 200426, Ohio Educational 53542  
Computer Network, up to \$9,686,658 in each fiscal year shall be 53543  
used by the Department to support connection of all public school 53544  
buildings and participating chartered nonpublic schools to the 53545  
state's education network, to each other, and to the Internet. In 53546  
each fiscal year, the Department shall use these funds to assist 53547  
information technology centers or school districts with the 53548  
operational costs associated with this connectivity. The 53549  
Department shall develop a formula and guidelines for the 53550  
distribution of these funds to information technology centers or 53551  
individual school districts. As used in this section, "public 53552  
school building" means a school building of any city, local, 53553  
exempted village, or joint vocational school district, any 53554  
community school established under Chapter 3314. of the Revised 53555  
Code, any college preparatory boarding school established under 53556  
Chapter 3328. of the Revised Code, any STEM school established 53557  
under Chapter 3326. of the Revised Code, any educational service 53558  
center building used for instructional purposes, the Ohio School 53559  
for the Deaf and the Ohio School for the Blind, high schools 53560  
chartered by the Ohio Department of Youth Services, or high 53561

schools operated by Ohio Department of Rehabilitation and 53562  
Corrections' Ohio Central School System. 53563

Of the foregoing appropriation item 200426, Ohio Educational 53564  
Computer Network, up to \$4,843,329 in each fiscal year shall be 53565  
used, through a formula and guidelines devised by the Department, 53566  
to support the activities of designated information technology 53567  
centers, as defined by State Board of Education rules, to provide 53568  
school districts and chartered nonpublic schools with 53569  
computer-based student and teacher instructional and 53570  
administrative information services, including approved 53571  
computerized financial accounting, to ensure the effective 53572  
operation of local automated administrative and instructional 53573  
systems, and to monitor and support the quality of data submitted 53574  
to the Department. 53575

The remainder of appropriation item 200426, Ohio Educational 53576  
Computer Network, shall be used to support the work of the 53577  
development, maintenance, and operation of a network of uniform 53578  
and compatible computer-based information systems as well as the 53579  
teacher student linkage/roster verification process and systems to 53580  
support electronic sharing of student records and transcripts 53581  
between entities. This technical assistance shall include, but not 53582  
be restricted to, development and maintenance of adequate computer 53583  
software systems to support network activities. In order to 53584  
improve the efficiency of network activities, the Department and 53585  
information technology centers may jointly purchase equipment, 53586  
materials, and services from funds provided under this 53587  
appropriation for use by the network and, when considered 53588  
practical by the Department, may utilize the services of 53589  
appropriate state purchasing agencies. 53590

**Section 265.80. ACADEMIC STANDARDS** 53591

The foregoing appropriation item 200427, Academic Standards, 53592

shall be used by the Department of Education to develop and 53593  
communicate to school districts academic content standards and 53594  
curriculum models and to develop professional development programs 53595  
and other tools on the new content standards and model curriculum. 53596  
The Department shall use a portion of these funds in partnership 53597  
with educational service centers, consistent with requirements of 53598  
section 3312.01 of the Revised Code, in the development and 53599  
delivery of professional development programs supported under this 53600  
section. 53601

**Section 265.90. STUDENT ASSESSMENT** 53602

Of the foregoing appropriation item 200437, Student 53603  
Assessment, up to \$2,760,000 in each fiscal year may be used to 53604  
support the state's early learning assessment work and the 53605  
assessments required under section 3301.0715 of the Revised Code. 53606

Of the foregoing appropriation item 200437, Student 53607  
Assessment, up to \$543,168 in each fiscal year shall be used to 53608  
reimburse a portion of the costs associated with Advanced 53609  
Placement tests for low-income students. 53610

The remainder of appropriation item 200437, Student 53611  
Assessment, shall be used to develop, field test, print, 53612  
distribute, score, report results, and support other associated 53613  
costs for the tests required under sections 3301.0710, 3301.0711, 53614  
and 3301.0712 of the Revised Code and for similar purposes as 53615  
required by section 3301.27 of the Revised Code. The funds may 53616  
also be used to update and develop diagnostic assessments 53617  
administered under sections 3301.079, 3301.0715, and 3313.608 of 53618  
the Revised Code. 53619

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 53620  
ASSESSMENT 53621

In fiscal year 2022 and fiscal year 2023, if the 53622

Superintendent of Public Instruction determines that additional 53623  
funds are needed to fully fund the requirements of sections 53624  
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 53625  
and this act for assessments of student performance, the 53626  
Superintendent may recommend to the Director of Budget and 53627  
Management the reallocation of unexpended and unencumbered General 53628  
Revenue Fund appropriations within the Department of Education to 53629  
appropriation item 200437, Student Assessment. If the Director 53630  
determines that such a reallocation is required, the Director may 53631  
transfer unexpended and unencumbered appropriations within the 53632  
Department of Education as necessary to appropriation item 200437, 53633  
Student Assessment. 53634

**Section 265.100.** ACCOUNTABILITY/REPORT CARDS 53635

Of the foregoing appropriation item 200439, 53636  
Accountability/Report Cards, a portion in each fiscal year shall 53637  
be used to train district and regional specialists and district 53638  
educators in the use of the value-added progress dimension and in 53639  
the use of data as it relates to improving student achievement. 53640  
This training may include teacher and administrator professional 53641  
development in the use of data to improve instruction and student 53642  
learning, and teacher and administrator training in understanding 53643  
teacher value-added reports and how they can be used as a 53644  
component in measuring teacher and administrator effectiveness. A 53645  
portion of this funding shall be provided to educational service 53646  
centers to support training and professional development under 53647  
this section consistent with section 3312.01 of the Revised Code. 53648

The remainder of appropriation item 200439, 53649  
Accountability/Report Cards, shall be used by the Department of 53650  
Education to incorporate a statewide value-added progress 53651  
dimension into performance ratings for school districts and for 53652  
the development of an accountability system that includes the 53653

preparation and distribution of school report cards, funding and 53654  
expenditure accountability reports under sections 3302.03 and 53655  
3302.031 of the Revised Code, the development and maintenance of 53656  
teacher value-added reports, the teacher student linkage/roster 53657  
verification process, and the performance management section of 53658  
the Department's web site required by section 3302.26 of the 53659  
Revised Code. 53660

CHILD CARE LICENSING 53661

The foregoing appropriation item 200442, Child Care 53662  
Licensing, shall be used by the Department of Education to license 53663  
and to inspect preschool and school-age child care programs under 53664  
sections 3301.52 to 3301.59 of the Revised Code. 53665

**Section 265.110.** EDUCATION MANAGEMENT INFORMATION SYSTEM 53666

The foregoing appropriation item 200446, Education Management 53667  
Information System, shall be used by the Department of Education 53668  
to improve the Education Management Information System (EMIS). 53669

Of the foregoing appropriation item 200446, Education 53670  
Management Information System, up to \$400,000 in each fiscal year 53671  
shall be used to support grants to information technology centers 53672  
to provide professional development opportunities to district and 53673  
school personnel related to the EMIS, with a focus placed on data 53674  
submission and data quality. 53675

Of the foregoing appropriation item 200446, Education 53676  
Management Information System, up to \$725,000 in each fiscal year 53677  
shall be distributed to designated information technology centers 53678  
for costs relating to processing, storing, and transferring data 53679  
for the effective operation of the EMIS. These costs may include, 53680  
but are not limited to, personnel, hardware, software development, 53681  
communications connectivity, professional development, and support 53682  
services. 53683

The remainder of appropriation item 200446, Education Management Information System, shall be used to develop and support the data definitions and standards outlined in the EMIS guidelines adopted under section 3301.0714 of the Revised Code, to implement recommendations of the EMIS Advisory Council and the Superintendent of Public Instruction, to enhance data quality assurance practices, and to support responsibilities related to the school report cards prescribed by section 3302.03 of the Revised Code and value-added progress dimension calculations.

**Section 265.120. EDUCATOR PREPARATION**

(A) Of the foregoing appropriation item 200448, Educator Preparation, up to \$339,783 in each fiscal year may be used by the Department of Education to monitor and support Ohio's State System of Support, as defined by the Every Student Succeeds Act.

(B) Of the foregoing appropriation item 200448, Educator Preparation, up to \$67,957 in each fiscal year may be used by the Department to support the Educator Standards Board under section 3319.61 of the Revised Code and reforms under sections 3302.042, 3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the Revised Code.

(C) Of the foregoing appropriation item 200448, Educator Preparation, \$2,000,000 in each fiscal year shall be distributed to Teach For America to increase recruitment of potential corps members, to train and develop first-year and second-year teachers in the Teach for America program in Ohio, and to support the ongoing development and impact of Teach for America alumni working in Ohio.

(D) Of the foregoing appropriation item 200448, Educator Preparation, \$1,000,000 in each fiscal year shall be used for the Bright New Leaders for Ohio Schools Program administered by the Ohio State University Fisher College of Business and College of

Education and Human Ecology pursuant to section 3319.272 of the Revised Code to provide an alternative path for individuals to receive training and development in the administration of primary and secondary education and leadership, enable those individuals to earn degrees and obtain licenses in public school administration, and promote the placement of those individuals in public schools that have a poverty percentage greater than fifty per cent.

(E) Of the foregoing appropriation item 200448, Educator Preparation, \$200,000 in each fiscal year shall be used to support training for selected school staff through the FASTER Saves Lives Program for the purpose of stopping active shooters and treating casualties.

(F) Of the foregoing appropriation item 200448, Educator Preparation, \$1,000,000 in each fiscal year shall be used by the Department of Education, in consultation with the Department of Mental Health and Addiction Services, to award professional development grants to educational service centers to train educators and related school personnel in the model and tenants of prevention of risky behaviors, including substance abuse, suicide, bullying, and other harmful behaviors.

(G) Notwithstanding any provision of law to the contrary, awards under this section may be used by recipients for award-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the Department of Education.

(H) The remainder of the foregoing appropriation item 200448, Educator Preparation, may be used for implementation of teacher and principal evaluation systems, including incorporation of student growth as a metric in those systems, and teacher value-added reports. A portion of this funding shall be provided to educational service centers, consistent with requirements of

section 3312.01 of the Revised Code, in the development and 53747  
delivery of professional development programs supported under this 53748  
section. 53749

(I) Awards under division (H) of Section 265.120 of H.B. 166 53750  
of the 133rd General Assembly may be used by recipients for 53751  
award-related expenses incurred through June 30, 2023. 53752

**Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 53753

The foregoing appropriation item 200455, Community Schools 53754  
and Choice Programs, may be used by the Department of Education 53755  
for operation of the school choice programs. 53756

Of the foregoing appropriation item 200455, Community Schools 53757  
and Choice Programs, a portion in each fiscal year may be used by 53758  
the Department for developing and conducting training sessions for 53759  
community schools and sponsors and prospective sponsors of 53760  
community schools as prescribed in division (A)(1) of section 53761  
3314.015 of the Revised Code, and other schools participating in 53762  
school choice programs. 53763

**Section 265.140. EDUCATION TECHNOLOGY RESOURCES** 53764

Of the foregoing appropriation item 200465, Education 53765  
Technology Resources, up to \$2,500,000 in each fiscal year shall 53766  
be used for the Union Catalog and InfoOhio Network and to support 53767  
the provision of electronic resources with priority given to 53768  
resources that support the teaching of state academic content 53769  
standards in all public schools. Consideration shall be given by 53770  
the Department of Education to coordinating the allocation of 53771  
these moneys with the efforts of Libraries Connect Ohio, whose 53772  
members include OhioLINK, the Ohio Public Information Network, and 53773  
the State Library of Ohio. 53774

Of the foregoing appropriation item 200465, Education 53775  
Technology Resources, up to \$1,778,879 in each fiscal year shall 53776

be used by the Department to provide grants to educational 53777  
television stations working with partner education technology 53778  
centers to provide Ohio public schools with instructional 53779  
resources and services, with priority given to resources and 53780  
services aligned with state academic content standards. Such 53781  
resources and services shall be based upon the advice and approval 53782  
of the Department, based on a formula developed in consultation 53783  
with Ohio's educational television stations and educational 53784  
technology centers. 53785

The remainder of the foregoing appropriation item 200465, 53786  
Education Technology Resources, may be used to support training, 53787  
technical support, guidance, and assistance with compliance 53788  
reporting to school districts and public libraries applying for 53789  
federal E-Rate funds; for oversight and guidance of school 53790  
district technology plans; for support to district technology 53791  
personnel; and for support of the development, maintenance, and 53792  
operation of a network of uniform and compatible computer-based 53793  
information and instructional systems. 53794

**Section 265.145. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 53795  
STUDENTS 53796**

Of the foregoing appropriation item 200478, 53797  
Industry-Recognized Credentials High School Students, up to 53798  
\$8,000,000 in each fiscal year may be used by the Department of 53799  
Education to support payments to city, local, and exempted village 53800  
school districts, community schools, STEM schools, and joint 53801  
vocational school districts whose students earn an 53802  
industry-recognized credential or receive a journeyman 53803  
certification recognized by the United States Department of Labor 53804  
in the school year preceding the fiscal year in which the funds 53805  
are appropriated. The educating entity shall be required to inform 53806  
students enrolled in career-technical education courses that lead 53807

to an industry-recognized credential about the opportunity to earn 53808  
these credentials. The Department of Education shall work with the 53809  
Department of Higher Education and the Governor's Office of 53810  
Workforce Transformation to develop a schedule for reimbursement 53811  
based on the testing fees for credentials included on the 53812  
Department of Education's list of industry-recognized credentials. 53813  
The educating entity shall pay for the cost of the credential and 53814  
may claim and receive reimbursement for these testing fees. The 53815  
educating entity may claim reimbursement for testing fees incurred 53816  
on behalf of a student that earns a credential up to six months 53817  
after the student has graduated from high school. If the amount 53818  
appropriated is not sufficient, the Department shall prorate the 53819  
amounts so that the aggregate amount appropriated is not exceeded. 53820

Of the foregoing appropriation item 200478, 53821  
Industry-Recognized Credentials High School Students, up to 53822  
\$12,500,000 in each fiscal year may be used by the Department of 53823  
Education and the Governor's Office of Workforce Transformation to 53824  
establish and operate the Innovative Workforce Incentive Program. 53825  
In establishing the program, the Office of Workforce 53826  
Transformation shall maintain a list of credentials that qualify 53827  
for the program. The Department of Education shall pay each city, 53828  
local, and exempted village school district, community school, 53829  
STEM school, and joint vocational school district an amount equal 53830  
to \$1,250 for each qualifying credential a student attending the 53831  
district or school earned in the school year preceding the fiscal 53832  
year in which the funds are appropriated. If the amount 53833  
appropriated is not sufficient, the Department shall prorate the 53834  
amounts so that the aggregate amount appropriated is not exceeded. 53835

**Section 265.150. PUPIL TRANSPORTATION** 53836

Of the foregoing appropriation item 200502, Pupil 53837  
Transportation, up to \$838,930 in each fiscal year may be used by 53838

the Department of Education for training prospective and 53839  
experienced school bus drivers in accordance with training 53840  
programs prescribed by the Department. A portion of these funds 53841  
may also be used to pay for costs associated with the enrollment 53842  
of bus drivers in the retained applicant fingerprint database. 53843

Of the foregoing appropriation item 200502, Pupil 53844  
Transportation, up to \$60,469,220 in each fiscal year may be used 53845  
by the Department for special education transportation 53846  
reimbursements to school districts and county DD boards for 53847  
transportation operating costs as provided in divisions (C) and 53848  
(F) of section 3317.024 of the Revised Code, in accordance with 53849  
the section of this act entitled "OPERATING FUNDING FOR FISCAL 53850  
YEARS 2022 and 2023." 53851

The remainder of the foregoing appropriation item 200502, 53852  
Pupil Transportation, shall be used to fund the transportation 53853  
payments included in the state funding allocation under division 53854  
(A)(2) of the section of this act entitled "FUNDING FOR CITY, 53855  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 53856

PAYMENTS IN LIEU OF TRANSPORTATION 53857

For purposes of division (D) of section 3327.02 of the 53858  
Revised Code, if a parent, guardian, or other person in charge of 53859  
a pupil accepts an offer from a school district of payment in lieu 53860  
of providing transportation for the pupil, the school district 53861  
shall pay that parent, guardian, or other person an amount that 53862  
shall be not less than \$250 and not more than the amount 53863  
determined by the Department as the average cost of pupil 53864  
transportation for the previous school year. Payment may be 53865  
prorated if the time period involved is only a part of the school 53866  
year. 53867

**Section 265.160.** SCHOOL LUNCH MATCH 53868

The foregoing appropriation item 200505, School Lunch Match, 53869  
shall be used to provide matching funds to obtain federal funds 53870  
for the school lunch program. 53871

Any remaining appropriation after providing matching funds 53872  
for the school lunch program may be used to partially reimburse 53873  
school buildings within school districts that are required to have 53874  
a school breakfast program under section 3313.813 of the Revised 53875  
Code, at a rate decided by the Department. 53876

**Section 265.170. AUXILIARY SERVICES** 53877

Of the foregoing appropriation item 200511, Auxiliary 53878  
Services, up to \$2,600,000 in each fiscal year may be used for 53879  
payment of the College Credit Plus Program for nonpublic secondary 53880  
school participants. The Department of Education shall distribute 53881  
these funds according to rule 3333-1-65.8 of the Administrative 53882  
Code, adopted by the Department of Higher Education pursuant to 53883  
division (A) of section 3365.071 of the Revised Code. 53884

The remainder of the foregoing appropriation item 200511, 53885  
Auxiliary Services, shall be used by the Department for the 53886  
purpose of implementing sections 3317.06 and 3317.062 of the 53887  
Revised Code. 53888

Notwithstanding any provision of the law to the contrary, any 53889  
chartered nonpublic school may elect to receive auxiliary services 53890  
payments under division (E)(2) of section 3317.024 of the Revised 53891  
Code for the 2021-2022 and 2022-2023 school years. To elect to 53892  
receive funds under division (E)(2) of section 3317.024 of the 53893  
Revised Code, a chartered nonpublic school shall, not later than 53894  
July 31, 2021, notify the Department of Education and the school 53895  
district in which the school is located of the election and submit 53896  
to the Department an affidavit certifying that the school shall 53897  
expend the funds in the manner outlined in section 3317.062 of the 53898  
Revised Code. 53899

**Section 265.180.** NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 53900

The foregoing appropriation item 200532, Nonpublic 53901  
Administrative Cost Reimbursement, shall be used by the Department 53902  
of Education for the purpose of implementing section 3317.063 of 53903  
the Revised Code. Notwithstanding section 3317.063 of the Revised 53904  
Code, payments made by the Department for this purpose shall not 53905  
exceed four hundred forty-six dollars per student for each school 53906  
year. 53907

**Section 265.190.** SPECIAL EDUCATION ENHANCEMENTS 53908

Of the foregoing appropriation item 200540, Special Education 53909  
Enhancements, up to \$33,000,000 in each fiscal year shall be used 53910  
to fund special education and related services at county boards of 53911  
developmental disabilities for eligible students under section 53912  
3317.20 of the Revised Code, in accordance with the section of 53913  
this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2022 and 53914  
2023," and at institutions for eligible students under section 53915  
3317.201 of the Revised Code. If necessary, the Department of 53916  
Education shall proportionately reduce the amount calculated for 53917  
each county board of developmental disabilities and institution so 53918  
as not to exceed the amount appropriated in each fiscal year. 53919

Of the foregoing appropriation item 200540, Special Education 53920  
Enhancements, up to \$1,350,000 in each fiscal year shall be used 53921  
for parent mentoring programs. 53922

Of the foregoing appropriation item 200540, Special Education 53923  
Enhancements, up to \$3,000,000 in each fiscal year may be used for 53924  
school psychology interns. 53925

Of the foregoing appropriation item 200540, Special Education 53926  
Enhancements, the Department shall transfer \$3,500,000 in each 53927  
fiscal year to the Opportunities for Ohioans with Disabilities 53928  
Agency. The transfer shall be made via an intrastate transfer 53929

voucher. The transferred funds shall be used by the Opportunities 53930  
for Ohioans with Disabilities Agency as state matching funds to 53931  
draw down available federal funding for vocational rehabilitation 53932  
services. Total project funding shall be used to hire dedicated 53933  
vocational rehabilitation counselors who shall work directly with 53934  
school districts to provide transition services for students with 53935  
disabilities. Services shall include vocational rehabilitation 53936  
services such as person-centered career planning, summer work 53937  
experiences, job placement, and retention services for mutually 53938  
eligible students with disabilities. 53939

The Superintendent of Public Instruction and the Executive 53940  
Director of the Opportunities for Ohioans with Disabilities Agency 53941  
shall enter into an interagency agreement that shall specify the 53942  
responsibilities of each agency under the program. Under the 53943  
interagency agreement, the Opportunities for Ohioans with 53944  
Disabilities Agency shall retain responsibility for all 53945  
nondelegable functions, including eligibility and order of 53946  
selection determination, individualized plan for employment (IPE) 53947  
approval, IPE amendments, case closure, and release of vendor 53948  
payments. 53949

Of the foregoing appropriation item 200540, Special Education 53950  
Enhancements, up to \$2,000,000 in each fiscal year shall be used 53951  
by the Department of Education to build capacity to deliver a 53952  
regional system of training, support, coordination, and direct 53953  
service for secondary transition services for students with 53954  
disabilities beginning at fourteen years of age. These special 53955  
education enhancements shall support all students with 53956  
disabilities, regardless of partner agency eligibility 53957  
requirements, to provide stand-alone direct secondary transition 53958  
services by school districts. Secondary transition services shall 53959  
include, but not be limited to, job exploration counseling, 53960  
work-based learning experiences, counseling on opportunities for 53961

enrollment in comprehensive transition or post-secondary 53962  
educational programs at institutions of higher education, 53963  
workplace readiness training to develop occupational skills, 53964  
social skills and independent living skills, and instruction in 53965  
self-advocacy. Regional training shall support the expansion of 53966  
transition to work endorsement opportunities for middle school and 53967  
secondary level special education intervention specialists in 53968  
order to develop the necessary skills and competencies to meet the 53969  
secondary transition needs of students with disabilities beginning 53970  
at fourteen years of age. 53971

The remainder of appropriation item 200540, Special Education 53972  
Enhancements, shall be distributed by the Department of Education 53973  
to school districts and institutions, as defined in section 53974  
3323.091 of the Revised Code, for preschool special education 53975  
funding under section 3317.0213 of the Revised Code, in accordance 53976  
with the section of this act entitled "OPERATING FUNDING FOR 53977  
FISCAL YEARS 2022 and 2023." 53978

The Department may reimburse school districts and 53979  
institutions for services provided by instructional assistants, 53980  
related services, as defined in rule 3301-51-11 of the 53981  
Administrative Code, physical therapy services provided by a 53982  
licensed physical therapist or physical therapist assistant under 53983  
the supervision of a licensed physical therapist, as required 53984  
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 53985  
Administrative Code, and occupational therapy services provided by 53986  
a licensed occupational therapist or occupational therapy 53987  
assistant under the supervision of a licensed occupational 53988  
therapist, as required under Chapter 4755. of the Revised Code and 53989  
Chapter 4755-7 of the Administrative Code. Nothing in this section 53990  
authorizes occupational therapy assistants or physical therapist 53991  
assistants to generate or manage their own caseloads. 53992

The Department shall require school districts, educational 53993

service centers, county DD boards, and institutions serving 53994  
preschool children with disabilities to adhere to Ohio's early 53995  
learning program standards, participate in the Step Up to Quality 53996  
program established pursuant to section 5104.29 of the Revised 53997  
Code, and document child progress using research-based indicators 53998  
prescribed by the Department and report results annually. The 53999  
reporting dates and method shall be determined by the Department. 54000  
All programs shall be rated through the Step Up to Quality 54001  
program. 54002

**Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 54003

Of the foregoing appropriation item 200545, Career-Technical 54004  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 54005  
be used to fund secondary career-technical education at 54006  
institutions, the Ohio School for the Deaf, and the Ohio State 54007  
School for the Blind using a grant-based methodology, 54008  
notwithstanding section 3317.05 of the Revised Code. 54009

Of the foregoing appropriation item 200545, Career-Technical 54010  
Education Enhancements, up to \$2,686,474 in each fiscal year shall 54011  
be used by the Department of Education to fund competitive grants 54012  
to tech prep regional centers that expand the number of students 54013  
with access to career-technical education. These grant funds shall 54014  
be used to directly support career services provided to students 54015  
enrolled in school districts, including joint vocational school 54016  
districts, and affiliated higher education institutions. This 54017  
support may include the purchase of equipment. 54018

Of the foregoing appropriation item 200545, Career-Technical 54019  
Education Enhancements, up to \$3,000,850 in each fiscal year shall 54020  
be used by the Department to support existing High Schools That 54021  
Work (HSTW) sites, develop and support new sites, fund technical 54022  
assistance, and support regional centers and middle school 54023  
programs. The purpose of HSTW is to combine challenging academic 54024

courses and modern career-technical studies to raise the academic 54025  
achievement of students. HSTW provides intensive technical 54026  
assistance, focused staff development, targeted assessment 54027  
services, and ongoing communications and networking opportunities. 54028

Of the foregoing appropriation item 200545, Career-Technical 54029  
Education Enhancements, up to \$600,000 in each fiscal year shall 54030  
be used by the Department to enable students in agricultural 54031  
programs to enroll in a fifth quarter of instruction based on the 54032  
agricultural education model of delivering work-based learning 54033  
through supervised agricultural experience. The Department shall 54034  
determine eligibility criteria and the reporting process for the 54035  
Agriculture 5th Quarter Project and shall fund as many programs as 54036  
possible given the set-aside. The eligibility criteria developed 54037  
by the Department shall allow these funds to support supervised 54038  
agricultural experience that occurs anytime outside of the regular 54039  
school day. 54040

Of the foregoing appropriation item 200545, Career-Technical 54041  
Education Enhancements, up to \$450,000 in each fiscal year shall 54042  
be used to support the pilot program created in the section of 54043  
this act entitled "P-TECH MODEL OF EDUCATION PILOT PROGRAM." 54044

Of the foregoing appropriation item 200545, Career-Technical 54045  
Education Enhancements, up to \$550,000 in each fiscal year may be 54046  
used to support career planning and reporting through the 54047  
OhioMeansJobs web site. 54048

Of the foregoing appropriation item 200545, Career-Technical 54049  
Education Enhancements, \$150,000 in each fiscal year shall be used 54050  
to prepare students for careers in culinary arts and restaurant 54051  
management under the Ohio ProStart school restaurant program. 54052

**Section 265.205.** P-TECH MODEL OF EDUCATION PILOT PROGRAM 54053

(A) As used in this section: 54054

(1) "Eligible school" means any of the following:	54055
(a) A school operated by a city, local, or exempted village school district;	54056 54057
(b) A school operated by a joint vocational school district, provided that the school is eligible only with respect to those students who are enrolled in grades nine through twelve and to whom the school provides instruction in all courses required for a high school diploma under section 3313.603 of the Revised Code so that the student attends the school for the entire school day and does not attend a school operated by the student's district of residence for any part of the school day;	54058 54059 54060 54061 54062 54063 54064 54065
(c) A community school established under Chapter 3314. of the Revised Code;	54066 54067
(d) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.	54068 54069
(2) "P-Tech model of education" means an educational model that meets all of the following criteria:	54070 54071
(a) It is implemented through a partnership between an eligible school, a state institution of higher education, or a nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code, and one or more businesses offering employment in skilled occupations.	54072 54073 54074 54075 54076
(b) It provides a curriculum focused on science, technology, engineering, and mathematics for students beginning in grade nine for up to six years during which students may dually enroll in high school and college courses at no cost to the student and earn a high school diploma and an associate degree upon completion of the program.	54077 54078 54079 54080 54081 54082
(c) It prioritizes enrolling student populations who have been historically underrepresented in college and skilled	54083 54084

occupations. 54085

(d) It provides students with opportunities to learn about 54086  
careers through internships, professional mentoring, visits to 54087  
work sites, or other business-oriented activities. 54088

(e) It offers academic and personal supports at the high 54089  
school and college levels to help students succeed in the program. 54090

(f) It gives students priority for employment with partnering 54091  
businesses upon completion of the program. 54092

(3) "State institution of higher education" has the same 54093  
meaning as in section 3345.011 of the Revised Code. 54094

(B) In recognition of the need for structured pathways that 54095  
develop the academic and job skills of students to prepare them 54096  
for well-paying employment and that meet the workforce needs of 54097  
Ohio businesses, the Department of Education and the Department of 54098  
Higher Education jointly shall create a pilot program to select up 54099  
to three eligible schools throughout the state to implement a 54100  
P-Tech model of education. The Departments shall issue a request 54101  
for proposals from interested applicants not later than September 54102  
1, 2021, in accordance with procedures established by the 54103  
Departments. An eligible school shall be the lead applicant and 54104  
shall be responsible for submitting all documentation required by 54105  
the Departments. 54106

(C) The Department of Education and the Department of Higher 54107  
Education jointly shall evaluate proposals based on adherence to 54108  
the P-Tech model of education, quality of programming, 54109  
demonstration of commitment by partners, and sustainability. In 54110  
evaluating proposals, the Departments shall give priority to 54111  
schools that will serve students historically underrepresented in 54112  
college and skilled occupations and shall make every effort to 54113  
select schools in different locations throughout the state. On 54114  
behalf of both Departments, the Department of Education shall 54115

award planning and implementation grants to eligible schools whose 54116  
proposals are selected. The Department of Education shall notify 54117  
grant recipients of their selection not later than October 1, 54118  
2021. 54119

(D)(1) The Department of Education shall award up to \$150,000 54120  
to each eligible school in fiscal year 2022 for planning 54121  
activities, which may include designating a school official to act 54122  
as a project manager, working with the partnering state 54123  
institution of higher education or nonprofit institution of higher 54124  
education that has a certificate of authorization under Chapter 54125  
1713. of the Revised Code and partnering businesses to create 54126  
college and career pathways, school branding and student 54127  
recruitment efforts, space planning, professional development for 54128  
high school teachers and college faculty, or other necessary 54129  
activities. 54130

(2) The Department of Education shall award up to \$150,000 to 54131  
each eligible school in fiscal year 2023 to implement the P-Tech 54132  
model of education for ninth grade students. This funding shall be 54133  
in addition to all other state funding received by the eligible 54134  
school and partnering state institution of higher education or 54135  
nonprofit institution of higher education that has a certificate 54136  
of authorization under Chapter 1713. of the Revised Code. 54137

(E) For the duration of the pilot program, all of the 54138  
following shall apply: 54139

(1) An eligible school shall continue to receive funding 54140  
under the section of this act entitled "FUNDING FOR CITY, LOCAL, 54141  
AND EXEMPTED VILLAGE SCHOOL DISTRICTS," "FUNDING FOR JOINT 54142  
VOCATIONAL SCHOOL DISTRICTS," "FUNDING FOR COMMUNITY SCHOOLS," or 54143  
"FUNDING FOR STEM SCHOOLS," as applicable, for each student 54144  
participating in the P-Tech model of education who continues to be 54145  
enrolled in high school courses after the student's twelfth-grade 54146  
year for up to two full school years. 54147

(2) Any state institution of higher education that enrolls a student participating in the P-Tech model of education may include that student in the calculation used to determine its state share of instruction funds under the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS."

(3) Notwithstanding the limits on College Credit Plus participation in section 3365.031 of the Revised Code, students participating in the P-Tech model of education may participate in the College Credit Plus Program for any of the school years that they are enrolled in an eligible school. Additionally, credit hour and duration limitations for students participating in the College Credit Plus Program under Chapter 3365. of the Revised Code do not apply to students participating in the P-Tech model of education.

(F) The Department of Education and the Department of Higher Education shall evaluate the progress of grant recipients in planning for and implementing the P-Tech model of education, including how the partnerships are working to build and sustain the model and any difficulties or successes faced in planning for or implementing the model. Grant recipients shall report to the Departments any data or other information considered necessary by the Departments to complete the evaluation. The Departments shall report their findings to the Governor and the General Assembly, in accordance with section 101.68 of the Revised Code, not later than December 31, 2022.

(G) Notwithstanding any provision of law to the contrary, awards under this section may be used by recipients for award-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the Department of Education.

**Section 265.210. FOUNDATION FUNDING**

Of the foregoing appropriation item 200550, Foundation

Funding, up to \$40,000,000 in each fiscal year shall be used to 54179  
provide additional state aid to school districts, joint vocational 54180  
school districts, community schools, and STEM schools for special 54181  
education students under division (C)(3) of section 3314.08, 54182  
section 3317.0214, and division (B) of section 3317.16 of the 54183  
Revised Code in accordance with the section of this act entitled 54184  
"OPERATING FUNDING FOR FISCAL YEARS 2022 and 2023," and section 54185  
3326.34 of the Revised Code, except that the Controlling Board may 54186  
increase these amounts if presented with such a request from the 54187  
Department of Education at the final meeting of the fiscal year. 54188

Of the foregoing appropriation item 200550, Foundation 54189  
Funding, up to \$3,800,000 in each fiscal year shall be used to 54190  
fund gifted education at educational service centers. The 54191  
Department shall distribute the funding through the unit-based 54192  
funding methodology in place under division (L) of section 54193  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 54194  
and (C) of section 3317.053 of the Revised Code as they existed 54195  
prior to fiscal year 2010. 54196

Of the foregoing appropriation item 200550, Foundation 54197  
Funding, up to \$40,000,000 in each fiscal year shall be reserved 54198  
to fund the state reimbursement of educational service centers 54199  
under the section of this act entitled "EDUCATIONAL SERVICE 54200  
CENTERS FUNDING." 54201

Of the foregoing appropriation item 200550, Foundation 54202  
Funding, up to \$3,500,000 in each fiscal year shall be distributed 54203  
to educational service centers for School Improvement Initiatives 54204  
and for the provision of technical assistance to schools and 54205  
districts consistent with requirements of section 3312.01 of the 54206  
Revised Code. The Department may distribute these funds through a 54207  
competitive grant process. 54208

Of the foregoing appropriation item 200550, Foundation 54209  
Funding, up to \$7,000,000 in each fiscal year shall be reserved 54210

for payments under the section of this act entitled "POWER PLANT VALUATION ADJUSTMENT." If this amount is not sufficient, the Superintendent of Public Instruction may reallocate excess funds for other purposes supported by this appropriation item in order to fully pay the amounts required by that section, provided that the aggregate amount appropriated in appropriation item 200550, Foundation Funding, is not exceeded.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$26,400,000 in each fiscal year shall be used to support school choice programs.

Of the portion of the funds distributed to the Cleveland Municipal School District under this section, up to \$23,501,887 in each fiscal year shall be used to operate the school choice program in the Cleveland Municipal School District under sections 3313.974 to 3313.979 of the Revised Code. Notwithstanding divisions (B) and (C) of section 3313.978 and division (C) of section 3313.979 of the Revised Code, up to \$1,000,000 in each fiscal year of this amount shall be used by the Cleveland Municipal School District to provide tutorial assistance as provided in division (H) of section 3313.974 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a manner approved by the Department.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$2,000,000 in each fiscal year may be used for payment of the College Credit Plus Program for students instructed at home pursuant to section 3321.04 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, an amount shall be available in each fiscal year to be paid to joint vocational school districts in accordance with the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL

DISTRICTS."	54243
Of the foregoing appropriation item 200550, Foundation	54244
Funding, up to \$700,000 in each fiscal year shall be used by the	54245
Department for a program to pay for educational services for youth	54246
who have been assigned by a juvenile court or other authorized	54247
agency to any of the facilities described in division (A) of the	54248
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT."	54249
Of the foregoing appropriation item 200550, Foundation	54250
Funding, a portion may be used to pay college-preparatory boarding	54251
schools the per pupil boarding amount pursuant to section 3328.34	54252
of the Revised Code.	54253
Of the foregoing appropriation item 200550, Foundation	54254
Funding, a portion in each fiscal year shall be used to pay	54255
community schools and STEM schools the amounts calculated for the	54256
graduation and third-grade reading bonuses under sections 3314.085	54257
and 3326.41 of the Revised Code, in accordance with the sections	54258
of this act entitled "FUNDING FOR COMMUNITY SCHOOLS" and "FUNDING	54259
FOR STEM SCHOOLS."	54260
Of the foregoing appropriation item 200550, Foundation	54261
Funding, up to \$1,760,000 in each fiscal year may be used by the	54262
Department for duties and activities related to the establishment	54263
of academic distress commissions under section 3302.10 of the	54264
Revised Code, to provide support and assistance to academic	54265
distress commissions to further their duties under Chapter 3302.	54266
of the Revised Code, and to provide technical assistance and tools	54267
to support districts subject to academic distress commissions.	54268
Of the foregoing appropriation item 200550, Foundation	54269
Funding, up to \$1,500,000 in each fiscal year shall be distributed	54270
to the Ohio STEM Learning Network to support the expansion of free	54271
STEM programming aligned to Ohio's STEM priorities, to create	54272
regional STEM supports targeting underserved student populations,	54273

and to support the Ohio STEM Committee's STEM school designation process. 54274  
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The remainder of the foregoing appropriation item 200550, 54276  
Foundation Funding, shall be used to fund the payments included in 54277  
the state funding allocation under division (A)(1) of the section 54278  
of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED 54279  
VILLAGE SCHOOL DISTRICTS." 54280

Appropriation items 200502, Pupil Transportation, 200540, 54281  
Special Education Enhancements, and 200550, Foundation Funding, 54282  
other than specific set-asides, are collectively used in each 54283  
fiscal year to pay state formula aid obligations for school 54284  
districts, community schools, STEM schools, college preparatory 54285  
boarding schools, and joint vocational school districts under this 54286  
act. The first priority of these appropriation items, with the 54287  
exception of specific set-asides, is to fund state formula aid 54288  
obligations. It may be necessary to reallocate funds among these 54289  
appropriation items or use excess funds from other General Revenue 54290  
Fund appropriation items in the Department of Education's budget, 54291  
including appropriation item 200903, Property Tax Reimbursement - 54292  
Education, in each fiscal year in order to meet state formula aid 54293  
obligations. If it is determined that it is necessary to transfer 54294  
funds among these appropriation items or to transfer funds from 54295  
other General Revenue Fund appropriations in the Department's 54296  
budget to meet state formula aid obligations, the Superintendent 54297  
of Public Instruction shall seek approval from the Director of 54298  
Budget and Management to transfer funds as needed. 54299

The Superintendent of Public Instruction shall make payments, 54300  
transfers, and deductions, as authorized by Title XXXVIII of the 54301  
Revised Code in amounts substantially equal to those made in the 54302  
prior year, or otherwise, at the discretion of the Superintendent, 54303  
until at least the effective date of the amendments and enactments 54304  
made to Title XXXVIII by this act. Any funds paid to districts or 54305

schools under this section shall be credited toward the annual 54306  
funds calculated for the district or school after the changes made 54307  
to Title XXXIII in this act are effective. Upon the effective date 54308  
of changes made to Title XXXIII in this act, funds shall be 54309  
calculated as an annual amount. 54310

**Section 265.215.** OPERATING FUNDING FOR FISCAL YEARS 2022 and 54311  
2023 54312

(A) Notwithstanding anything to the contrary in Chapter 3317. 54313  
of the Revised Code, the Department of Education shall make no 54314  
payments under that chapter for fiscal years 2022 and 2023 except 54315  
as prescribed in this section and the sections of this act 54316  
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 54317  
DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 54318

(B) Each school district and educational service center shall 54319  
report student enrollment data as prescribed by section 3317.03 of 54320  
the Revised Code, which data the Department shall use to make 54321  
payments under Chapter 3317. of the Revised Code and the sections 54322  
of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED 54323  
VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL 54324  
DISTRICTS." 54325

(C) The tax commissioner shall report data regarding tax 54326  
valuation and receipts for school districts as prescribed by 54327  
sections 3317.015, 3317.021, 3317.025, 3317.028, 3317.0210, 54328  
3317.0211, and 3317.08 of the Revised Code, which data the 54329  
Department shall use to make payments under Chapter 3317. of the 54330  
Revised Code and the sections of this act entitled "FUNDING FOR 54331  
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING 54332  
FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 54333

(D) Unless otherwise specified by another provision of law, 54334  
in addition to the payments prescribed by the sections of this act 54335  
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 54336

DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS," 54337  
the Department shall continue to make payments or adjustments for 54338  
each of fiscal years 2022 and 2023 under the following provisions 54339  
of Chapter 3317. of the Revised Code: 54340

(1) All payments or adjustments under section 3317.023 of the 54341  
Revised Code; 54342

(2) All payments or adjustments under section 3317.024 of the 54343  
Revised Code; 54344

(3) Preschool special education payments under section 54345  
3317.0213 of the Revised Code; 54346

(4) The catastrophic cost reimbursement under section 54347  
3317.0214 of the Revised Code; 54348

(5) Payments under sections 3317.06, 3317.062, 3317.063, and 54349  
3317.064 of the Revised Code; 54350

(6) The catastrophic cost reimbursement under division (B) of 54351  
section 3317.16 of the Revised Code and excess cost reimbursements 54352  
under division (C) of that section. No other payments shall be 54353  
made under that section. 54354

(7) Adjustments under section 3317.18 of the Revised Code; 54355

(8) Payments to cooperative education school districts under 54356  
section 3317.19 of the Revised Code; 54357

(9) Payments to county boards of developmental disabilities 54358  
under section 3317.20 of the Revised Code; 54359

(10) Payments to state institutions for special education 54360  
funding under section 3317.201 of the Revised Code. 54361

(E) Notwithstanding anything to the contrary in Chapter 3317. 54362  
of the Revised Code, for purposes of computing the payments under 54363  
that chapter for fiscal years 2022 and 2023 authorized under this 54364  
section for which the "state share index" or "state share 54365  
percentage" is a factor, the Department shall use the state share 54366

index or state share percentage, as applicable, computed for each district for fiscal year 2019. 54367  
54368

(F) For fiscal years 2022 and 2023, when calculating payments under Chapter 3317. of the Revised Code as authorized under this section, and for purposes of sections 3310.09, 3313.98, 3313.981, 3314.08, 3315.18, 3326.31, 3326.33, and 3365.01 of the Revised Code and any other provision of law with respect to education financing: 54369  
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(1) The "formula amount" equals \$6,020 for fiscal years 2022 and 2023. 54375  
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(2) The special education catastrophic cost threshold for fiscal years 2022 and 2023 is \$27,375 for students in categories two through five special education ADM and \$32,850 for students in category six special education ADM. 54377  
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(G) This section does not affect the provisions of sections 3317.0219, 3317.031, 3317.032, 3317.033, 3317.034, 3317.035, 3317.036, 3317.061, 3317.07, 3317.08, 3317.081, 3317.082, 3317.09, 3317.10, 3317.12, 3317.13, 3317.14, 3317.141, 3317.15, 3317.161, 3317.163, 3317.23, 3317.231, 3317.24, 3317.25, 3317.26, 3317.30, 3317.40, 3317.50, and 3317.51 of the Revised Code. 54381  
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**Section 265.220. FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS** 54387  
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(A) Subject to Section 265.227 of this act, for each of fiscal years 2022 and 2023, the Department of Education shall pay each city, local, and exempted village school district an amount equal to the sum of the following: 54389  
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(1) The district's payments for fiscal year 2019 under section 3317.022 of the Revised Code and Section 265.220 of H.B. 49 of the 132nd General Assembly; 54393  
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(2) The district's payments for fiscal year 2019 under 54396

section 3317.0212 and division (D)(2) of section 3314.091 of the Revised Code.	54397 54398
(B)(1) For purposes of division (B) of this section:	54399
(a) "Eligible school district" means a city, local, or exempted village school district with an enrolled ADM greater than or equal to fifty.	54400 54401 54402
(b) "Enrolled ADM" has the same meaning as in section 3317.0219 of the Revised Code.	54403 54404
(2) For each of fiscal years 2022 and 2023, the Department of Education shall pay each eligible school district an additional amount calculated as follows:	54405 54406 54407
(a) Determine the district's percentage of change in enrolled ADM between fiscal years 2016 and 2017, fiscal years 2017 and 2018, and fiscal years 2018 and 2019;	54408 54409 54410
(b) Calculate the average of the percentage of changes in enrolled ADM determined for the district under division (B)(2)(a) of this section;	54411 54412 54413
(c) Compute the district's payment as follows:	54414
The district's average percentage calculated under division (B)(2)(b) of this section X 100 X the district's enrolled ADM for fiscal year 2019 X \$30	54415 54416 54417
If the result of the calculation for a district under division (B)(2)(c) of this section is less than zero, the district shall not receive a payment under division (B) of this section.	54418 54419 54420
<b>Section 265.225. FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS</b>	54421 54422
Subject to Section 265.227 of this act, for each of fiscal years 2022 and 2023, the Department of Education shall pay each joint vocational school district an amount equal to the district's	54423 54424 54425

payments for fiscal year 2019 under section 3317.16 of the Revised Code and Section 265.230 of H.B. 49 of the 132nd General Assembly.

**Section 265.227.** If a city, local, or exempted village school district provided career-technical education pursuant to division (A)(1) of section 3313.90 of the Revised Code in fiscal year 2019 but the district entered into an agreement pursuant to division (A)(2) of section 3313.90 of the Revised Code with a joint vocational school district to provide that career-technical education beginning in fiscal year 2020, the Department of Education shall adjust the amounts paid to those districts for fiscal years 2022 and 2023 under division (A) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS" to account for the decrease in students served by the city, local, or exempted village school district and the increase in students served by the joint vocational school district. This adjustment shall be equal to the following amount:

(The amount paid to the city, local, or exempted village school district under divisions (A)(8) and (9) of section 3317.022 of the Revised Code for fiscal year 2019 + the amount paid to the city, local, or exempted village school district under division (C) of Section 265.220 of H.B. 49 of the 132nd General Assembly for fiscal year 2019) - (the amount deducted from the district under division (C)(1)(g) of section 3314.08 of the Revised Code and division (G) of section 3326.33 of the Revised Code for fiscal year 2019)

In doing so, the Department shall not, however, increase the aggregate amount of foundation aid paid under division (A) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

**Section 265.230. FUNDING FOR COMMUNITY SCHOOLS** 54458

(A) For each of fiscal years 2022 and 2023, the Department of 54459  
Education shall make the deductions and payments for each student 54460  
enrolled in a community school, established under Chapter 3314. of 54461  
the Revised Code, in the manner prescribed by division (C) of 54462  
section 3314.08 and division (D) of section 3314.091 of the 54463  
Revised Code, except that, for each of those fiscal years: 54464

(1) The "formula amount" shall equal the amount specified in 54465  
division (F)(1) of the section of this act entitled "OPERATING 54466  
FUNDING FOR FISCAL YEARS 2022 and 2023." 54467

(2) "State education aid" for a school district from which a 54468  
deduction is made shall mean the amount paid to the district for 54469  
that fiscal year under the section of this act entitled "FUNDING 54470  
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 54471

(3) The per pupil amount deducted from a district and paid to 54472  
a community school under divisions (C)(1)(b) and (e) of section 54473  
3314.08 and division (D) of section 3314.091 of the Revised Code 54474  
shall be the same respective per pupil amounts deducted and paid 54475  
under those divisions for fiscal year 2019. 54476

(B) For each of fiscal years 2022 and 2023, the Department 54477  
shall pay each community school graduation and third grade reading 54478  
bonuses in accordance with section 3314.085 of the Revised Code, 54479  
except that, for each of those fiscal years, the "formula amount" 54480  
shall equal the amount specified in division (F)(1) of the section 54481  
of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2022 AND 54482  
2023." 54483

**Section 265.235. FUNDING FOR STEM SCHOOLS** 54484

(A) For each of fiscal years 2022 and 2023, the Department of 54485  
Education shall make the deductions and payments for each student 54486  
enrolled in a STEM school, established under Chapter 3326. of the 54487

Revised Code, in the manner prescribed by section 3326.33 of the Revised Code, except that, for each of those fiscal years:

(1) The "formula amount" shall equal the amount specified in division (F)(1) of the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2022 and 2023."

(2) "State education aid" for a school district from which a deduction is made shall mean the amount paid to the district for that fiscal year under the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(3) The per pupil amount deducted from a district and paid to a STEM school under divisions (B) and (E) of section 3326.33 of the Revised Code shall be the same respective per pupil amount deducted and paid under those divisions for fiscal year 2019.

(B) For each of fiscal years 2022 and 2023, the Department shall pay each STEM school graduation and third grade reading bonuses in accordance with section 3326.41 of the Revised Code, except that, for each of those fiscal years, the "formula amount" shall equal the amount specified in division (F)(1) of the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2022 AND 2023."

**Section 265.237. POWER PLANT VALUATION ADJUSTMENT**

(A)(1) On or before May 15, 2022, the Tax Commissioner shall determine all of the following for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:

(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2021 was less than the taxable value of such property during tax year 2017;

(b) Whether the taxable value of all utility tangible

personal property subject to taxation by the district in tax year 54518  
2021 was less than the taxable value of such property during tax 54519  
year 2020. 54520

(2) If the decrease determined under division (A)(1)(a) or 54521  
(b) of this section exceeds ten per cent, the Tax Commissioner 54522  
shall certify all of the following to the Department of Education 54523  
and the Office of Budget and Management: 54524

(a) The district's total taxable value for tax year 2021; 54525

(b) The change in taxes charged and payable on the district's 54526  
total taxable value for tax year 2017 and tax year 2021; 54527

(c) The taxable value of the utility tangible personal 54528  
property decrease, which shall be considered a change in 54529  
valuation; 54530

(d) The change in taxes charged and payable on such change in 54531  
taxable value calculated in the same manner as in division (A)(3) 54532  
of section 3317.021 of the Revised Code. 54533

(3) Upon receipt of a certification under division (A)(2) of 54534  
this section, the Department of Education shall replace the 54535  
three-year average valuations that were used in computing the 54536  
district's state education aid for fiscal year 2019 with the 54537  
taxable value certified under division (A)(2)(a) of this section 54538  
and shall recompute the district's state education aid for fiscal 54539  
year 2019 without applying any funding limitations enacted by the 54540  
General Assembly to the computation. The Department shall pay to 54541  
the district an amount equal to the greater of the following: 54542

(a) The lesser of the following: 54543

(i) The positive difference between the district's state 54544  
education aid for fiscal year 2019 prior to the recomputation 54545  
under division (A)(3) of this section and the district's 54546  
recomputed state education aid for fiscal year 2019; 54547

(ii) The absolute value of the amount certified under 54548  
division (A)(2)(b) of this section. 54549

(b) The absolute value of the amount certified under division 54550  
(A)(2)(b) of this section X 0.50. 54551

(B)(1) On or before May 15, 2023, the Tax Commissioner shall 54552  
determine for each city, local, exempted village, and joint 54553  
vocational school district that has at least one power plant 54554  
located within its territory: 54555

(a) Whether the taxable value of all utility tangible 54556  
personal property subject to taxation by the district in tax year 54557  
2022 was less than the taxable value of such property during tax 54558  
year 2017; 54559

(b) Whether the taxable value of all utility tangible 54560  
personal property subject to taxation by the district in tax year 54561  
2022 was less than the taxable value of such property during tax 54562  
year 2021. 54563

(2) If the decrease determined under division (B)(1)(a) or 54564  
(b) of this section exceeds ten per cent, the Tax Commissioner 54565  
shall certify all of the following to the Department of Education 54566  
and the Office of Budget and Management: 54567

(a) The district's total taxable value for tax year 2022; 54568

(b) The change in taxes charged and payable on the district's 54569  
total taxable value for tax year 2017 and tax year 2022; 54570

(c) The taxable value of the utility tangible personal 54571  
property decrease, which shall be considered a change in 54572  
valuation; 54573

(d) The change in taxes charged and payable on such change in 54574  
taxable value calculated in the same manner as in division (A)(3) 54575  
of section 3317.021 of the Revised Code. 54576

(3) Upon receipt of a certification under division (B)(2) of 54577

this section, the Department of Education shall replace the 54578  
three-year average valuations that were used in computing the 54579  
district's state education aid for fiscal year 2019 with the 54580  
taxable value certified under division (B)(2)(a) of this section 54581  
and shall recompute the district's state education aid for fiscal 54582  
year 2019 without applying any funding limitations enacted by the 54583  
General Assembly to the computation. The Department shall pay to 54584  
the district an amount equal to the greater of the following: 54585

(a) The lesser of the following: 54586

(i) The positive difference between the district's state 54587  
education aid for fiscal year 2019 prior to the recomputation 54588  
under division (B)(3) of this section and the district's 54589  
recomputed state education aid for fiscal year 2019; 54590

(ii) The absolute value of the amount certified under 54591  
division (B)(2)(b) of this section. 54592

(b) The absolute value of the amount certified under division 54593  
(B)(2)(b) of this section X 0.50. 54594

(C) The Department of Education shall make payments under 54595  
division (A)(3) of this section between June 1, 2022, and June 30, 54596  
2022, and the Department shall make payments under division (B)(3) 54597  
of this section between June 1, 2023, and June 30, 2023. 54598

**Section 265.240. LITERACY IMPROVEMENT** 54599

The foregoing appropriation item 200566, Literacy 54600  
Improvement, shall be used by the Department of Education to 54601  
support early literacy activities to align state, local, and 54602  
federal efforts in order to bolster all students' reading success. 54603  
Funds shall be distributed to educational service centers to 54604  
establish and support regional literacy professional development 54605  
teams consistent with section 3312.01 of the Revised Code. A 54606  
portion of the funds may be used by the Department for program 54607

administration, monitoring, technical assistance, support, 54608  
research, and evaluation. 54609

**Section 265.250. ADULT EDUCATION PROGRAMS** 54610

Of the foregoing appropriation item 200572, Adult Education 54611  
Programs, up to \$6,300,000 in each fiscal year shall be used to 54612  
make payments under sections 3314.38, 3317.23, 3317.24, and 54613  
3345.86 of the Revised Code. 54614

A portion of the foregoing appropriation item 200572, Adult 54615  
Education Programs, shall be used in each fiscal year to make 54616  
payments to institutions participating in the Adult Diploma Pilot 54617  
Program under section 3313.902 of the Revised Code and to pay 54618  
career-technical planning districts for the amounts reimbursed to 54619  
students, as prescribed in this section. 54620

Each career-technical planning district shall reimburse 54621  
individuals taking a nationally recognized high school equivalency 54622  
examination approved by the Department of Education for the first 54623  
time for application fees, examination fees, or both, in excess of 54624  
\$40, up to a maximum reimbursement per individual of \$80. Each 54625  
career-technical planning district shall designate a site or sites 54626  
where individuals may register and take an approved examination. 54627  
For each individual who registers for an approved examination, the 54628  
career-technical planning district shall make available and offer 54629  
career counseling services, including information on adult 54630  
education programs that are available. A portion of the 54631  
appropriation item may be used to reimburse the Department of 54632  
Youth Services and the Department of Rehabilitation and Correction 54633  
for individuals in these facilities who have taken an approved 54634  
examination for the first time. The amounts reimbursed shall not 54635  
exceed the per-individual amounts reimbursed to other individuals 54636  
under this section for an approved examination. 54637

Notwithstanding any provision of law to the contrary, the 54638

unexpended balance of appropriations for payments under sections 54639  
3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 54640  
Code at the end of each fiscal year may be encumbered by the 54641  
Department of Education and remain available for payment for a 54642  
period not to exceed two years from the end of each fiscal year in 54643  
which the funds were originally appropriated, in accordance with 54644  
guidelines established by the Superintendent of Public 54645  
Instruction. 54646

A portion of the foregoing appropriation item 200572, Adult 54647  
Education Programs, may be used for program administration, 54648  
technical assistance, support, research, and evaluation of adult 54649  
education programs, including high school equivalency examinations 54650  
approved by the Department of Education. 54651

**Section 265.260. EDCHOICE EXPANSION** 54652

The foregoing appropriation item 200573, EdChoice Expansion, 54653  
shall be used to provide for the scholarships awarded under the 54654  
expansion of the educational choice program established under 54655  
section 3310.032 of the Revised Code. The number of scholarships 54656  
awarded under the expansion of the educational choice program 54657  
shall not exceed the number that can be funded with the 54658  
appropriations made by the General Assembly for this purpose. 54659

**HALF-MILL MAINTENANCE EQUALIZATION** 54660

The foregoing appropriation item 200574, Half-Mill 54661  
Maintenance Equalization, shall be used to make payments pursuant 54662  
to section 3318.18 of the Revised Code. 54663

**Section 265.270. QUALITY COMMUNITY SCHOOLS SUPPORT** 54664

(A) The foregoing appropriation item 200589, Quality 54665  
Community Schools Support, shall be used for the Quality Community 54666  
School Support Program. Under the program, the Department of 54667  
Education shall pay each community school established under 54668

Chapter 3314. of the Revised Code and designated as a Community School of Quality under this section an amount up to \$1,750 in each fiscal year for each pupil identified as economically disadvantaged and up to \$1,000 in each fiscal year for each pupil that is not identified as economically disadvantaged. The payment for the current fiscal year shall be calculated using the final adjusted full-time equivalent number of students enrolled in a community school for the prior fiscal year, except that if a school is in its first year of operation the payment for the current fiscal year shall be calculated using the adjusted full-time equivalent number of students enrolled in the school for the current fiscal year as of the date the payment is made, as reported by the school under section 3314.08 of the Revised Code. The Department shall make the payment to each Community School of Quality not later than January 31 of each fiscal year. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

(B) To be designated as a Community School of Quality, a community school shall satisfy at least one of the following conditions:

(1) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school received a higher performance index score than the school district in which the school is located on the two most recent report cards issued for the school under section 3302.03 of the Revised Code.

(c) The school received an overall grade of "A" or "B" for the value-added progress dimension on the most recent report card

issued for the school under section 3302.03 of the Revised Code or 54700  
is a school described under division (A)(4) of section 3314.35 of 54701  
the Revised Code and did not receive a grade for the value-added 54702  
progress dimension on the most recent report card. 54703

(d) At least fifty per cent of the students enrolled in the 54704  
school are economically disadvantaged, as determined by the 54705  
Department. 54706

(2) The community school meets all of the following criteria: 54707

(a) The school's sponsor was rated "exemplary" or "effective" 54708  
on the sponsor's most recent evaluation conducted under section 54709  
3314.016 of the Revised Code. 54710

(b) The school is in its first year of operation or the 54711  
school opened as a kindergarten school and has added one grade per 54712  
year and has been in operation for less than four school years. 54713

(c) The school is replicating an operational and 54714  
instructional model used by a community school described in 54715  
division (B)(1) of this section. 54716

(d) If the school has an operator, the operator received a 54717  
"C" or better on its most recent performance report published 54718  
under section 3314.031 of the Revised Code. 54719

(3) The community school meets all of the following criteria: 54720

(a) The school's sponsor was rated "exemplary" or "effective" 54721  
on the sponsor's most recent evaluation conducted under section 54722  
3314.016 of the Revised Code. 54723

(b) The school contracts with an operator that operates 54724  
schools in other states and meets at least one of the following 54725  
criteria: 54726

(i) Has operated a school that received a grant funded 54727  
through the federal Charter School Program established under 20 54728  
U.S.C. 7221 within the five years prior to the date of application 54729

or received funding from the Charter School Growth Fund; 54730

(ii) Meets all of the following criteria: 54731

(I) One of the operator's schools in another state performed 54732  
better than the school district in which the school is located, as 54733  
determined by the Department. 54734

(II) At least fifty per cent of the total number of students 54735  
enrolled in all of the operator's schools are economically 54736  
disadvantaged, as determined by the Department. 54737

(III) The operator is in good standing in all states where it 54738  
operates schools, as determined by the Department. 54739

(IV) The Department has determined that the operator does not 54740  
have any financial viability issues that would prevent it from 54741  
effectively operating a community school in Ohio. 54742

(c) The school is in its first year of operation. 54743

(C) A school designated as a Community School of Quality 54744  
under division (B) of this section shall maintain that designation 54745  
for the two fiscal years following the fiscal year in which the 54746  
school was initially designated as a Community School of Quality. 54747

(D) A school designated a Community School of Quality may 54748  
renew its designation each year that it satisfies the criteria 54749  
under division (B)(1) of this section. The school shall maintain 54750  
that designation for the two fiscal years following each fiscal 54751  
year in which the criteria under division (B)(1) of this section 54752  
are satisfied. 54753

**Section 265.280. MEDICAID IN SCHOOLS PROGRAM** 54754

The foregoing appropriation item, 657401, Medicaid in Schools 54755  
Program, shall be used by the Department of Education to support 54756  
the Medicaid in Schools Program. 54757

**Section 265.300. TEACHER CERTIFICATION AND LICENSURE** 54758

The foregoing appropriation item 200681, Teacher 54759  
Certification and Licensure, shall be used by the Department of 54760  
Education to administer and support teacher certification and 54761  
licensure activities. Notwithstanding section 3319.51 of the 54762  
Revised Code, a portion of the foregoing appropriation may also be 54763  
used for implementation of teacher and principal evaluation 54764  
systems, including incorporation of student growth as a metric in 54765  
those systems, and teacher value-added reports. 54766

**Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE** 54767

(A) The foregoing appropriation item 200687, School District 54768  
Solvency Assistance, shall be allocated to the School District 54769  
Shared Resource Account and the Catastrophic Expenditures Account 54770  
in amounts determined by the Superintendent of Public Instruction. 54771  
These funds shall be used to provide assistance and grants to 54772  
school districts to enable them to remain solvent under section 54773  
3316.20 of the Revised Code. Assistance and grants shall be 54774  
subject to approval by the Controlling Board. Except as provided 54775  
under division (C) of this section, any required reimbursements 54776  
from school districts for solvency assistance shall be made to the 54777  
appropriate account in the School District Solvency Assistance 54778  
Fund (Fund 5H30). 54779

(B) Notwithstanding any provision of law to the contrary, 54780  
upon the request of the Superintendent of Public Instruction, the 54781  
Director of Budget and Management may make transfers to the School 54782  
District Solvency Assistance Fund (Fund 5H30) from any fund used 54783  
by the Department of Education or the General Revenue Fund to 54784  
maintain sufficient cash balances in Fund 5H30 in fiscal years 54785  
2022 and 2023. Any cash transferred is hereby appropriated. The 54786  
transferred cash may be used by the Department to provide 54787

assistance and grants to school districts to enable them to remain 54788  
solvent and to pay unforeseeable expenses of a temporary or 54789  
emergency nature that the school district is unable to pay from 54790  
existing resources. The Director shall notify the members of the 54791  
Controlling Board of any such transfers. 54792

(C) If the cash balance of the School District Solvency 54793  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 54794  
assistance in fiscal years 2022 and 2023, at the request of the 54795  
Superintendent of Public Instruction, and with the approval of the 54796  
Controlling Board, the Director of Budget and Management may 54797  
transfer cash from the Lottery Profits Education Reserve Fund 54798  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 54799  
school districts to enable them to remain solvent and to pay 54800  
unforeseeable expenses of a temporary nature that they are unable 54801  
to pay from existing resources under section 3316.20 of the 54802  
Revised Code. Such transfers are hereby appropriated to 54803  
appropriation item 200670, School District Solvency Assistance - 54804  
Lottery. Any required reimbursements from school districts for 54805  
solvency assistance granted from appropriation item 200670, School 54806  
District Solvency Assistance - Lottery, shall be made to Fund 54807  
7018. 54808

**Section 265.323. STUDENT WELLNESS AND SUCCESS** 54809

(A) The foregoing appropriation item 200604, Student Wellness 54810  
and Success, shall be used to distribute the amounts calculated 54811  
for student wellness and success funds under sections 3314.088, 54812  
3317.0219, 3317.163, and 3326.42 of the Revised Code and the 54813  
section of this act entitled "STUDENT WELLNESS AND SUCCESS 54814  
GUARANTEE." 54815

(B) Notwithstanding section 3317.0219 of the Revised Code, 54816  
when calculating payments for a city, local, or exempted village 54817  
school district for fiscal year 2022 under that section, the 54818

Department of Education shall use the district's enrolled ADM, as 54819  
that term is defined in section 3317.0219 of the Revised Code, for 54820  
fiscal year 2022. 54821

Notwithstanding sections 3314.088, 3317.163, and 3326.42 of 54822  
the Revised Code, when calculating payments for a joint vocational 54823  
school district, community school, or STEM school for fiscal year 54824  
2022, the Department shall use the number of students enrolled in 54825  
the school for fiscal year 2022 on a full-time equivalency basis. 54826  
Additionally, notwithstanding those sections, for the purpose of 54827  
calculating student wellness and success enhancement funds for a 54828  
joint vocational school district, community school, or STEM school 54829  
for fiscal year 2022 under division (D) of section 3314.088 of the 54830  
Revised Code, division (C) of section 3317.163 of the Revised 54831  
Code, or division (C) of section 3326.42 of the Revised Code, the 54832  
Department shall use the enrolled ADM of students' resident 54833  
districts for fiscal year 2022. 54834

(C) If a district or school spends student wellness and 54835  
success funds it received for fiscal year 2020 or fiscal year 2021 54836  
on or after the date on which the amendments to section 3317.26 of 54837  
the Revised Code by this act take effect, those funds shall be 54838  
spent in accordance with that section as amended. 54839

**Section 265.234. STUDENT WELLNESS AND SUCCESS GUARANTEE** 54840

(A) For fiscal year 2022, the Department of Education shall 54841  
pay each city, local, exempted village, and joint vocational 54842  
school district, community school, and STEM school an additional 54843  
amount of student wellness and success funds calculated as 54844  
follows: 54845

(The amount paid to the district or school for fiscal year 2021 54846  
under section 3314.088, 3317.0219, 3317.163, or 3326.42 of the 54847  
Revised Code + the amount distributed to the district or school 54848  
for fiscal year 2021 under Section 20 of S.B. 310 of the 133rd 54849

General Assembly) - (the amount paid to the district or school for 54850  
fiscal year 2022 under section 3314.088, 3317.0219, 3317.163, or 54851  
3326.42 of the Revised Code) 54852

If the result of this calculation is less than zero, the 54853  
district's or school's payment under this division shall be zero. 54854

(B) For fiscal year 2023, the Department shall pay each city, 54855  
local, exempted village, and joint vocational school district, 54856  
community school, and STEM school an additional amount of student 54857  
wellness and success funds calculated as follows: 54858

(The amount paid to the district or school for fiscal year 2022 54859  
under section 3314.088, 3317.0219, 3317.163, or 3326.42 of the 54860  
Revised Code + the amount paid to the district or school for 54861  
fiscal year 2022 under division (A) of this section) - (the amount 54862  
paid to the district or school for fiscal year 2023 under section 54863  
3314.088, 3317.0219, 3317.163, or 3326.42 of the Revised Code) 54864

If the result of this calculation is less than zero, the 54865  
district's or school's payment under this division shall be zero. 54866

(C) A city, local, exempted village, or joint vocational 54867  
school district, community school, or STEM school shall spend the 54868  
funds it receives under division (A) or (B) of this section in 54869  
accordance with section 3317.26 of the Revised Code. 54870

(D) The Department shall pay the amounts calculated under 54871  
divisions (A) and (B) of this section not later than the 54872  
twenty-eighth day of February of the fiscal year for which the 54873  
payment is made. 54874

(E) For fiscal years 2022 and 2023, the Department shall 54875  
distribute any amounts remaining in appropriation item 200604, 54876  
Student Wellness and Success, through a methodology determined by 54877  
the Department in consultation with the Office of Budget and 54878  
Management not later than the twenty-eighth day of February of 54879  
that fiscal year. 54880

**Section 265.330.** LOTTERY PROFITS EDUCATION FUND 54881

The foregoing appropriation item 200612, Foundation Funding, 54882  
shall be used in conjunction with appropriation item 200550, 54883  
Foundation Funding, to provide state foundation payments to school 54884  
districts. 54885

The Department of Education, with the approval of the 54886  
Director of Budget and Management, shall determine the monthly 54887  
distribution schedules of appropriation item 200550, Foundation 54888  
Funding, and appropriation item 200612, Foundation Funding. If 54889  
adjustments to the monthly distribution schedule are necessary, 54890  
the Department shall make such adjustments with the approval of 54891  
the Director. 54892

**Section 265.337.** ENROLLMENT GROWTH SUPPLEMENT 54893

The foregoing appropriation item 200636, Enrollment Growth 54894  
Supplement, shall be used to fund the payments included in the 54895  
state funding allocation under division (B) of the section of this 54896  
act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 54897  
DISTRICTS." 54898

**Section 265.340.** COMMUNITY SCHOOL FACILITIES 54899

The foregoing appropriation item 200684, Community School 54900  
Facilities, shall be used to pay each community school established 54901  
under Chapter 3314. of the Revised Code and each STEM school 54902  
established under Chapter 3326. of the Revised Code an amount 54903  
equal to \$25 in each fiscal year for each full-time equivalent 54904  
pupil in an internet- or computer-based community school and \$250 54905  
in each fiscal year for each full-time equivalent pupil in all 54906  
other community or STEM schools for assistance with the cost 54907  
associated with facilities. If the amount appropriated is not 54908  
sufficient, the Department shall prorate the amounts so that the 54909

aggregate amount appropriated is not exceeded. 54910

**Section 265.350.** LOTTERY PROFITS EDUCATION RESERVE FUND 54911

(A) There is hereby created the Lottery Profits Education 54912  
Reserve Fund (Fund 7018) in the State Treasury. Investment 54913  
earnings of the Lottery Profits Education Reserve Fund shall be 54914  
credited to the fund. 54915

(B) Notwithstanding any other provision of law to the 54916  
contrary, the Director of Budget and Management may transfer cash 54917  
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 54918  
in fiscal year 2022 and fiscal year 2023. 54919

(C) On July 15, 2021, or as soon as possible thereafter, the 54920  
Director of the Ohio Lottery Commission shall certify to the 54921  
Director of Budget and Management the amount by which lottery 54922  
profit transfers received by Fund 7017 exceeded \$1,177,000,000 in 54923  
fiscal year 2021. 54924

(D) On July 15, 2022, or as soon as possible thereafter, the 54925  
Director of the Ohio Lottery Commission shall certify to the 54926  
Director of Budget and Management the amount by which lottery 54927  
profit transfers received by Fund 7017 exceeded \$1,234,000,000 in 54928  
fiscal year 2022. 54929

(E) Notwithstanding any provision of law to the contrary, in 54930  
fiscal year 2022 and fiscal year 2023, the Director of Budget and 54931  
Management may transfer cash in excess of the amounts necessary to 54932  
support appropriations in Fund 7017 from that fund to Fund 7018. 54933

**Section 265.360.** EDUCATIONAL SERVICE CENTERS FUNDING 54934

As used in this section, "high-performing educational service 54935  
center" means an educational service center designated as such 54936  
pursuant to rule 3301-105-01 of the Administrative Code. 54937

As used in this section, "student count" means the count 54938

calculated under division (G)(1) of section 3313.843 of the Revised Code. 54939  
54940

In each fiscal year, the Department of Education shall pay the governing board of each high-performing educational service center state funds equal to twenty-six dollars times its student count, and to the governing board of each other center, state funds equal to twenty-four dollars times its student count. 54941  
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If the amount earmarked for the state reimbursement of educational service centers in appropriation item 200550, Foundation Funding, is not sufficient, the Department shall prorate the payment amounts so that the appropriation is not exceeded. 54946  
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Notwithstanding any provision of law to the contrary, a school district that has not entered into an agreement for services with an educational service center as of June 30, 2021, shall be prohibited from entering into such an agreement during the period from July 1, 2021, through June 30, 2023. 54951  
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**Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS** 54956  
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The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent shall participate. 54958  
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**Section 265.400. EARMARK ACCOUNTABILITY** 54964

At the request of the Superintendent of Public Instruction, any entity that receives a budget earmark under the Department of Education shall submit annually to the chairpersons of the committees of the House of Representatives and the Senate 54965  
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primarily concerned with education and education funding and to 54969  
the Department a report that includes a description of the 54970  
services supported by the funds, a description of the results 54971  
achieved by those services, an analysis of the effectiveness of 54972  
the program, and an opinion as to the program's applicability to 54973  
other school districts. For an earmarked entity that received 54974  
state funds from an earmark in the prior fiscal year, no funds 54975  
shall be provided by the Department to an earmarked entity for a 54976  
fiscal year until its report for the prior fiscal year has been 54977  
submitted. 54978

**Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME** 54979

A community school established under Chapter 3314. of the 54980  
Revised Code that was open for operation as a community school as 54981  
of May 1, 2005, may operate from or in any home, as defined in 54982  
section 3313.64 of the Revised Code, located in the state, 54983  
regardless of when the community school's operations from or in a 54984  
particular home began. 54985

**Section 265.420. USE OF VOLUNTEERS** 54986

The Department of Education may utilize the services of 54987  
volunteers to accomplish any of the purposes of the Department. 54988  
The Superintendent of Public Instruction shall approve for what 54989  
purposes volunteers may be used and for these purposes may 54990  
recruit, train, and oversee the services of volunteers. The 54991  
Superintendent may reimburse volunteers for necessary and 54992  
appropriate expenses in accordance with state guidelines and may 54993  
designate volunteers as state employees for the purpose of motor 54994  
vehicle accident liability insurance under section 9.83 of the 54995  
Revised Code, for immunity under section 9.86 of the Revised Code, 54996  
and for indemnification from liability incurred in the performance 54997  
of their duties under section 9.87 of the Revised Code. 54998

<b>Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN</b>	54999
REIMBURSEMENTS	55000
(A) Except as expressly required under a court judgment not subject to further appeals, or a settlement agreement with a school district executed on or before June 1, 2009, in the case of a school district for which the formula ADM for fiscal year 2005, as reported for that fiscal year under division (A) of section 3317.03 of the Revised Code, was reduced based on enrollment reports for community schools, made under section 3314.08 of the Revised Code, regarding students entitled to attend school in the district, which reduction of formula ADM resulted in a reduction of foundation funding or transitional aid funding for fiscal year 2005, 2006, or 2007, no school district, except a district named in the court's judgment or the settlement agreement, shall have a legal claim for reimbursement of the amount of such reduction in foundation funding or transitional aid funding, and the state shall not have liability for reimbursement of the amount of such reduction in foundation funding or transitional aid funding.	55001 55002 55003 55004 55005 55006 55007 55008 55009 55010 55011 55012 55013 55014 55015 55016
(B) As used in this section:	55017
(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.	55018 55019
(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.	55020 55021 55022
(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.	55023 55024
(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of H.B. 66 of the 126th General Assembly, as subsequently amended;	55025 55026 55027 55028

and Section 269.30.80 of H.B. 119 of the 127th General Assembly. 55029

**Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 55030

In collaboration with the County Family and Children First 55031  
Council, a city, local, or exempted village school district, 55032  
community school, STEM school, joint vocational school district, 55033  
educational service center, or county board of developmental 55034  
disabilities that receives allocations from the Department of 55035  
Education from appropriation item 200550, Foundation Funding, or 55036  
appropriation item 200540, Special Education Enhancements, may 55037  
transfer portions of those allocations to a flexible funding pool 55038  
authorized by the section of this act entitled "FAMILY AND 55039  
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 55040  
maintenance of effort or for federal or state funding matching 55041  
requirements shall not be transferred unless the allocation may 55042  
still be used to meet such requirements. 55043

**Section 265.450. PRIVATE TREATMENT FACILITY PROJECT** 55044

(A) As used in this section: 55045

(1) The following are "participating residential treatment 55046  
centers": 55047

(a) Private residential treatment facilities that have 55048  
entered into a contract with the Department of Youth Services to 55049  
provide services to children placed at the facility by the 55050  
Department and which, in fiscal year 2022 or fiscal year 2023 or 55051  
both, the Department pays through appropriation item 470401, 55052  
RECLAIM Ohio; 55053

(b) Abraxas, in Shelby; 55054

(c) Paint Creek, in Bainbridge; 55055

(d) F.I.R.S.T., in Mansfield. 55056

(2) "Education program" means an elementary or secondary 55057

education program or a special education program and related 55058  
services. 55059

(3) "Served child" means any child receiving an education 55060  
program pursuant to division (B) of this section. 55061

(4) "School district responsible for tuition" means a city, 55062  
exempted village, or local school district that, if tuition 55063  
payment for a child by a school district is required under law 55064  
that existed in fiscal year 1998, is the school district required 55065  
to pay that tuition. 55066

(5) "Residential child" means a child who resides in a 55067  
participating residential treatment center and who is receiving an 55068  
educational program under division (B) of this section. 55069

(B) A youth who is a resident of the state and has been 55070  
assigned by a juvenile court or other authorized agency to a 55071  
residential treatment facility specified in division (A) of this 55072  
section shall be enrolled in an approved educational program 55073  
located in or near the facility. Approval of the educational 55074  
program shall be contingent upon compliance with the criteria 55075  
established for such programs by the Department of Education. The 55076  
educational program shall be provided by a school district or 55077  
educational service center, or by the residential facility itself. 55078  
Maximum flexibility shall be given to the residential treatment 55079  
facility to determine the provider. In the event that a voluntary 55080  
agreement cannot be reached and the residential facility does not 55081  
choose to provide the educational program, the educational service 55082  
center in the county in which the facility is located shall 55083  
provide the educational program at the treatment center to 55084  
children under twenty-two years of age residing in the treatment 55085  
center. 55086

(C) Any school district responsible for tuition for a 55087  
residential child shall, notwithstanding any conflicting provision 55088

of the Revised Code regarding tuition payment, pay tuition for the 55089  
child for fiscal year 2022 and fiscal year 2023 to the education 55090  
program provider and in the amount specified in this division. If 55091  
there is no school district responsible for tuition for a 55092  
residential child and if the participating residential treatment 55093  
center to which the child is assigned is located in the city, 55094  
exempted village, or local school district that, if the child were 55095  
not a resident of that treatment center, would be the school 55096  
district where the child is entitled to attend school under 55097  
sections 3313.64 and 3313.65 of the Revised Code, that school 55098  
district, notwithstanding any conflicting provision of the Revised 55099  
Code, shall pay tuition for the child for fiscal year 2022 and 55100  
fiscal year 2023 under this division unless that school district 55101  
is providing the educational program to the child under division 55102  
(B) of this section. 55103

A tuition payment under this division shall be made to the 55104  
school district, educational service center, or residential 55105  
treatment facility providing the educational program to the child. 55106

The amount of tuition paid shall be: 55107

(1) The amount of tuition determined for the district under 55108  
division (A) of section 3317.08 of the Revised Code; 55109

(2) In addition, for any student receiving special education 55110  
pursuant to an individualized education program as defined in 55111  
section 3323.01 of the Revised Code, a payment for excess costs. 55112  
This payment shall equal the actual cost to the school district, 55113  
educational service center, or residential treatment facility of 55114  
providing special education and related services to the student 55115  
pursuant to the student's individualized education program, minus 55116  
the tuition paid for the child under division (C)(1) of this 55117  
section. 55118

A school district paying tuition under this division shall 55119

not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code.

(D) In each of fiscal years 2022 and 2023, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of the reimbursement shall be the amount appropriated for this purpose divided by the full-time equivalent number of children for whom reimbursement is to be made.

(E) Funds provided to a school district, educational service center, or residential treatment facility under this section shall be used to supplement, not supplant, funds from other public sources for which the school district, service center, or residential treatment facility is entitled or eligible.

(F) The Department of Education shall track the utilization of funds provided to school districts, educational service centers, and residential treatment facilities under this section and monitor the effect of the funding on the educational programs they provide in participating residential treatment facilities. The Department shall monitor the programs for educational accountability.

**Section 265.460.** (A) The Superintendent of Public Instruction may form partnerships with Ohio's business community, including the Ohio Business Roundtable, to create and implement initiatives that connect students with the business community in an effort to increase student engagement and job readiness through internships, work study, and site-based learning experiences.

(B) If the Superintendent forms a partnership pursuant to 55151  
division (A) of this section, the initiatives created and 55152  
implemented through that partnership shall do all of the 55153  
following: 55154

(1) Support the career connection learning strategies 55155  
described in division (B)(2) of section 3301.079 of the Revised 55156  
Code; 55157

(2) Provide an opportunity for students to earn high school 55158  
credit toward graduation or to meet curriculum requirements in 55159  
accordance with divisions (J)(1) and (2) of section 3313.603 of 55160  
the Revised Code; 55161

(3) Inform the development of student success plans pursuant 55162  
to division (C) of section 3313.6020 of the Revised Code. 55163

**Section 265.490.** Upon receipt of federal funds under Title 55164  
IV, Part A, Student Support and Academic Enrichment Grants, and 55165  
after payments are made pursuant to education programs included in 55166  
this block grant program, the Department shall direct any unused 55167  
funds to cover all or part of the cost of Advanced Placement tests 55168  
and International Baccalaureate registration and exam fees for 55169  
low-income students. 55170

**Section 265.520.** (A) Notwithstanding anything in the Revised 55171  
Code to the contrary, the Superintendent of Public Instruction 55172  
shall not establish any new academic distress commissions for the 55173  
2021-2022 and 2022-2023 school years. 55174

(B) This section does not affect an academic distress 55175  
commission established prior to the effective date of this 55176  
section. 55177

**Section 267.10.** ELC OHIO ELECTIONS COMMISSION 55178  
General Revenue Fund 55179

GRF 051321	Operating Expenses	\$	394,765	\$	394,765	55180
TOTAL GRF	General Revenue Fund	\$	394,765	\$	394,765	55181
Dedicated Purpose Fund Group						55182
4P20 051601	Operating Support	\$	207,460	\$	207,460	55183
TOTAL DPF	Dedicated Purpose Fund	\$	207,460	\$	207,460	55184
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	602,225	\$	602,225	55185

**Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS** 55187  
55188

General Revenue Fund 55189

GRF 881500	Indigent Burial and Cremation Support	\$	1,000,000	\$	1,000,000	55190
TOTAL GRF	General Revenue Fund	\$	1,000,000	\$	1,000,000	55191

Dedicated Purpose Fund Group 55192

4K90 881609	Operating Expenses	\$	1,130,516	\$	1,171,398	55193
TOTAL DPF	Dedicated Purpose Fund	\$	1,130,516	\$	1,171,398	55194

Group

TOTAL ALL BUDGET FUND GROUPS		\$	2,130,516	\$	2,171,398	55195
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**Section 271.10. PAY EMPLOYEE BENEFITS FUND** 55197

Fiduciary Fund Group 55198

1240 995673	Payroll Deductions	\$	849,020,267	\$	874,490,874	55199
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8060 995666	Accrued Leave Fund	\$	90,830,634	\$	93,990,898	55200
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8070 995667	Disability Fund	\$	25,839,844	\$	26,225,104	55201
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8080 995668	State Employee Health Benefit Fund	\$	989,360,954	\$	1,023,563,551	55202
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8090 995669	Dependent Care Spending Account	\$	4,477,000	\$	4,477,000	55203
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8100 995670	Life Insurance Investment Fund	\$	2,050,085	\$	2,118,913	55204
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8110 995671	Parental Leave	\$	4,432,933	\$	4,565,921	55205
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	Benefit Fund				
8130	995672	Health Care Spending	\$ 14,397,032	\$ 14,798,897	55206
		Account			
		TOTAL FID Fiduciary Fund Group	\$ 1,980,408,749	\$ 2,044,231,158	55207
		TOTAL ALL BUDGET FUND GROUPS	\$ 1,980,408,749	\$ 2,044,231,158	55208

**Section 271.20.** PAYROLL DEDUCTION FUND 55210

The foregoing appropriation item 995673, Payroll Deductions, 55211  
shall be used to make payments from the Payroll Deduction Fund 55212  
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 55213  
is determined by the Director of Budget and Management that 55214  
additional amounts are necessary, the amounts are hereby 55215  
appropriated. 55216

ACCRUED LEAVE LIABILITY FUND 55217

The foregoing appropriation item 995666, Accrued Leave Fund, 55218  
shall be used to make payments from the Accrued Leave Liability 55219  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 55220  
If it is determined by the Director of Budget and Management that 55221  
additional amounts are necessary, the amounts are hereby 55222  
appropriated. 55223

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 55224

The foregoing appropriation item 995667, Disability Fund, 55225  
shall be used to make payments from the State Employee Disability 55226  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 55227  
Revised Code. If it is determined by the Director of Budget and 55228  
Management that additional amounts are necessary, the amounts are 55229  
hereby appropriated. 55230

STATE EMPLOYEE HEALTH BENEFIT FUND 55231

The foregoing appropriation item 995668, State Employee 55232  
Health Benefit Fund, shall be used to make payments from the State 55233  
Employee Health Benefit Fund (Fund 8080) pursuant to section 55234

124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

DEPENDENT CARE SPENDING FUND

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care

Spending Account Fund (Fund 8130) for payments pursuant to state 55265  
 employees' participation in a flexible spending account for 55266  
 non-reimbursed health care expenses and section 124.821 of the 55267  
 Revised Code. If it is determined by the Director of Budget and 55268  
 Management that additional amounts are necessary, the amounts are 55269  
 hereby appropriated. 55270

**Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 55271**

General Revenue Fund 55272  
 GRF 125321 Operating Expenses \$ 4,011,118 \$ 4,116,551 55273  
 TOTAL GRF General Revenue Fund \$ 4,011,118 \$ 4,116,551 55274  
 Dedicated Purpose Fund Group 55275  
 5720 125603 Training and \$ 172,160 \$ 242,173 55276  
 Publications  
 TOTAL DPF Dedicated Purpose Fund \$ 172,160 \$ 242,173 55277  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 4,183,278 \$ 4,358,724 55278

**Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 55280**

Dedicated Purpose Fund Group 55281  
 4K90 892609 Operating Expenses \$ 1,312,259 \$ 1,312,259 55282  
 TOTAL DPF Dedicated Purpose Fund \$ 1,312,259 \$ 1,312,259 55283  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,312,259 \$ 1,312,259 55284

**Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 55286**

General Revenue Fund 55287  
 GRF 715502 Auto Emissions \$ 9,125,482 \$ 9,125,482 55288  
 E-Check Program  
 TOTAL GRF General Revenue Fund \$ 9,125,482 \$ 9,125,482 55289  
 Dedicated Purpose Fund Group 55290

4D50	715618	Recycled State Materials	\$	50,000	\$	50,000	55291
4J00	715638	Underground Injection Control	\$	456,891	\$	464,794	55292
4K20	715648	Clean Air - Non Title V	\$	5,317,000	\$	5,317,000	55293
4K30	715649	Solid Waste	\$	15,604,074	\$	16,603,928	55294
4K40	715650	Surface Water Protection	\$	11,375,000	\$	11,565,000	55295
4K50	715651	Drinking Water Protection	\$	7,751,598	\$	8,429,640	55296
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	55297
4R50	715656	Scrap Tire Management	\$	3,410,366	\$	3,570,259	55298
4R90	715658	Voluntary Action Program	\$	1,074,027	\$	1,089,245	55299
4T30	715659	Clean Air - Title V Permit Program	\$	10,274,000	\$	10,284,000	55300
5000	715608	Immediate Removal Special Account	\$	722,000	\$	722,000	55301
5030	715621	Hazardous Waste Facility Management	\$	4,755,552	\$	5,125,120	55302
5050	715623	Hazardous Waste Cleanup	\$	10,557,535	\$	11,017,788	55303
5050	715698	Response and Investigations	\$	3,380,000	\$	3,450,000	55304
5320	715646	Recycling and Litter Control	\$	4,598,000	\$	4,598,000	55305
5410	715670	Site Specific Cleanup	\$	771,192	\$	771,192	55306
5420	715671	Risk Management Reporting	\$	210,000	\$	210,000	55307
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	55308
5BC0	715622	Local Air Pollution	\$	2,100,000	\$	2,100,000	55309

		Control					
5BC0	715624	Surface Water	\$	6,606,600	\$	6,606,600	55310
5BC0	715672	Air Pollution Control	\$	8,647,800	\$	8,647,800	55311
5BC0	715673	Drinking and Ground	\$	3,769,815	\$	3,769,815	55312
		Water					
5BC0	715676	Assistance and	\$	1,968,750	\$	1,968,750	55313
		Prevention					
5BC0	715677	Laboratory	\$	3,495,450	\$	3,495,450	55314
5BC0	715678	Corrective Actions	\$	1,176,000	\$	1,176,000	55315
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000	55316
		Agencies					
5BC0	715692	Administration	\$	16,213,250	\$	15,923,250	55317
5BC0	715694	Environmental	\$	788,000	\$	793,000	55318
		Resource Coordination					
5BT0	715679	C&DD Groundwater	\$	225,000	\$	225,000	55319
		Monitoring					
5BY0	715681	Auto Emissions Test	\$	1,470,826	\$	1,494,826	55320
5H40	715664	Groundwater Support	\$	332,000	\$	332,000	55321
5PZ0	715696	Drinking Water Loan	\$	2,081,245	\$	2,088,650	55322
		Fee					
5VA0	715601	Marsh Restoration	\$	750,000	\$	750,000	55323
5Y30	715685	Surface Water	\$	500,000	\$	500,000	55324
		Improvement					
6440	715631	Emergency Response	\$	325,370	\$	332,287	55325
		Radiological Safety					
6760	715642	Water Pollution	\$	5,055,000	\$	5,455,000	55326
		Control Loan					
		Administration					
6760	715699	Water Quality	\$	4,100,000	\$	4,223,000	55327
		Administration					
6780	715635	Air Toxic Release	\$	20,000	\$	0	55328
6790	715636	Emergency Planning	\$	2,864,000	\$	2,864,000	55329
6960	715643	Air Pollution Control	\$	1,002,000	\$	1,002,000	55330

		Administration					
6990	715644	Water Pollution	\$	300,000	\$	300,000	55331
		Control					
		Administration					
6A10	715645	Environmental	\$	300,000	\$	300,000	55332
		Education					
6H20	715695	H2Ohio	\$	46,000,000	\$	46,000,000	55333
TOTAL DPF		Dedicated Purpose Fund	\$	191,858,341	\$	195,075,394	55334
		Group					
		Internal Service Activity Fund Group					55335
1990	715602	Laboratory Services	\$	533,000	\$	533,000	55336
2190	715604	Central Support	\$	8,075,000	\$	8,675,000	55337
		Indirect					
4A10	715640	Operating Expenses	\$	1,418,000	\$	1,443,000	55338
TOTAL ISA		Internal Service Activity	\$	10,026,000	\$	10,651,000	55339
		Fund Group					
		Federal Fund Group					55340
3530	715612	Public Water Supply	\$	2,150,000	\$	2,150,000	55341
3570	715619	Air Pollution Control	\$	6,115,000	\$	6,115,000	55342
		- Federal					
3620	715605	Underground Injection	\$	133,000	\$	133,000	55343
		Control - Federal					
3BU0	715684	Water Quality	\$	15,570,000	\$	15,625,000	55344
		Protection					
3CS0	715688	Federal NRD	\$	201,000	\$	201,000	55345
		Settlements					
3F30	715632	Federally Supported	\$	8,137,195	\$	8,218,775	55346
		Cleanup and Response					
3HE0	715697	Volkswagen Clean Air	\$	18,766,500	\$	5,876,500	55347
		Act Settlement					
3T30	715669	Drinking Water State	\$	3,141,500	\$	3,148,130	55348
		Revolving Fund					

3V70 715606 Agencywide Grants	\$	700,000	\$	700,000	55349
TOTAL FED Federal Fund Group	\$	54,914,195	\$	42,167,405	55350
TOTAL ALL BUDGET FUND GROUPS	\$	265,924,018	\$	257,019,281	55351

**Section 277.20.** CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND 55353  
FROM THE SCRAP TIRE MANAGEMENT FUND 55354

The Director of Budget and Management, at the request of the 55355  
Director of Environmental Protection, may transfer up to 55356  
\$1,500,000 cash in each fiscal year from the Scrap Tire Management 55357  
Fund (Fund 4R50) to the Auto Emissions Test Fund (Fund 5BY0). 55358

AREAWIDE PLANNING AGENCIES 55359

The Director of Environmental Protection may award grants 55360  
from appropriation item 715687, Areawide Planning Agencies, to 55361  
areawide planning agencies engaged in areawide water quality 55362  
management and planning activities in accordance with Section 208 55363  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 55364

H2OHIO FUND 55365

On July 1, 2022, or as soon as possible thereafter, the 55366  
Director of Environmental Protection may certify to the Director 55367  
of Budget and Management an amount up to the unexpended, 55368  
unencumbered balance of the foregoing appropriation item, 715695, 55369  
H2Ohio, at the end of fiscal year 2022 to be reappropriated in 55370  
fiscal year 2023. The amount certified is hereby reappropriated to 55371  
the same appropriation item for fiscal year 2023. 55372

**Section 279.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 55373

General Revenue Fund 55374

GRF 172321 Operating Expenses	\$	651,000	\$	651,000	55375
TOTAL GRF General Revenue Fund	\$	651,000	\$	651,000	55376
TOTAL ALL BUDGET FUND GROUPS	\$	651,000	\$	651,000	55377

**Section 281.10.** ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 55379

General Revenue Fund					55380	
GRF 935401	Statehouse News	\$	355,000	\$	355,000	55381
	Bureau					
GRF 935402	Ohio Government	\$	1,708,526	\$	1,708,526	55382
	Telecommunications					
	Services					
GRF 935410	Content Development,	\$	3,222,000	\$	3,222,000	55383
	Acquisition, and					
	Distribution					
GRF 935430	Broadcast Education	\$	3,738,449	\$	3,766,191	55384
	Operating					
TOTAL GRF	General Revenue Fund	\$	9,023,975	\$	9,051,717	55385
Dedicated Purpose Fund Group						55386
5FK0 935608	Media Services	\$	61,500	\$	61,500	55387
5VB0 935650	Facility Rental	\$	22,400	\$	23,600	55388
TOTAL DPF	Dedicated Purpose Fund	\$	83,900	\$	85,100	55389
Internal Service Activity Fund Group						55390
4F30 935603	Affiliate Services	\$	4,000	\$	4,400	55391
TOTAL ISA	Internal Service Activity	\$	4,000	\$	4,400	55392
Fund						
TOTAL ALL BUDGET FUND GROUPS		\$	9,111,875	\$	9,141,217	55393

**Section 281.20. STATEHOUSE NEWS BUREAU** 55395

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 55396  
55397  
55398

**OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES** 55399

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and 55400  
55401  
55402  
55403

its affiliated organizations and broadcasting the activities of 55404  
the legislative, judicial, and executive branches of state 55405  
government, among its other functions. 55406

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 55407

The foregoing appropriation item 935410, Content Development, 55408  
Acquisition, and Distribution, shall be used for the development, 55409  
acquisition, and distribution of information resources by public 55410  
media and radio reading services and for educational use in the 55411  
classroom and online. 55412

Of the foregoing appropriation item 935410, Content 55413  
Development, Acquisition, and Distribution, up to \$794,977 in each 55414  
fiscal year shall be allocated equally among the Ohio educational 55415  
television stations. Funds shall be used for the production of 55416  
interactive instructional programming series with priority given 55417  
to resources aligned with state academic content standards. The 55418  
programming shall be targeted to the needs of the one-third lowest 55419  
capacity school districts as determined by the district's state 55420  
share index calculated by the Department of Education. 55421

Of the foregoing appropriation item 935410, Content 55422  
Development, Acquisition, and Distribution, up to \$2,194,471 in 55423  
each fiscal year shall be distributed by the Broadcast Educational 55424  
Media Commission to Ohio's qualified public educational television 55425  
stations and educational radio stations to support their 55426  
operations. The funds shall be distributed pursuant to an 55427  
allocation formula used by the Ohio Educational Telecommunications 55428  
Network Commission unless a substitute formula is developed by the 55429  
Broadcast Educational Media Commission in consultation with Ohio's 55430  
qualified public educational television stations and educational 55431  
radio stations. 55432

Of the foregoing appropriation item 935410, Content 55433  
Development, Acquisition, and Distribution, up to \$232,552 in each 55434

fiscal year shall be distributed by the Broadcast Educational 55435  
Media Commission to Ohio's qualified radio reading services to 55436  
support their operations. The funds shall be distributed pursuant 55437  
to an allocation formula used by the Ohio Educational 55438  
Telecommunications Network Commission unless a substitute formula 55439  
is developed by the Broadcast Educational Media Commission in 55440  
consultation with Ohio's qualified radio reading services. 55441

**Section 283.10. ETH OHIO ETHICS COMMISSION 55442**

General Revenue Fund 55443  
GRF 146321 Operating Expenses \$ 1,946,515 \$ 1,946,515 55444  
TOTAL GRF General Revenue Fund \$ 1,946,515 \$ 1,946,515 55445  
  
Dedicated Purpose Fund Group 55446  
4M60 146601 Operating Support \$ 585,539 \$ 645,443 55447  
TOTAL DPF Dedicated Purpose Fund \$ 585,539 \$ 645,443 55448  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 2,532,054 \$ 2,591,958 55449

**Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 55451**

General Revenue Fund 55452  
GRF 723403 Junior Fair Subsidy \$ 261,900 \$ 363,750 55453  
TOTAL GRF General Revenue Fund \$ 261,900 \$ 363,750 55454  
  
Dedicated Purpose Fund Group 55455  
4N20 723602 Ohio State Fair \$ 325,000 \$ 325,000 55456  
Harness Racing  
5060 723601 Operating Expenses \$ 15,179,189 \$ 15,953,148 55457  
5060 723604 Grounds Maintenance \$ 300,000 \$ 300,000 55458  
and Repairs  
TOTAL DPF Dedicated Purpose Fund \$ 15,804,189 \$ 16,578,148 55459  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 16,066,089 \$ 16,941,898 55460

STATE FAIR RESERVE 55461

The General Manager of the Expositions Commission, in 55462  
consultation with the Director of Budget and Management, may 55463  
submit a request to the Controlling Board to use available amounts 55464  
in the State Fair Reserve Fund (Fund 6400) if revenues from either 55465  
the 2021 or the 2022 Ohio State Fair are unexpectedly low. 55466

On July 1 of each fiscal year, or as soon as possible 55467  
thereafter, the Director of Budget and Management, in consultation 55468  
with the General Manager of the Expositions Commission, may 55469  
determine that the Ohio Expositions Fund (Fund 5060) has a cash 55470  
balance in excess of the anticipated operating costs of the 55471  
Exposition Commission in that fiscal year. Notwithstanding section 55472  
991.04 of the Revised Code, the Director of Budget and Management 55473  
may transfer an amount up to the excess cash from Fund 5060 to 55474  
Fund 6400 in each fiscal year. 55475

**Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION** 55476

General Revenue Fund 55477

GRF	230321	Operating Expenses	\$	6,449,865	\$	6,769,488	55478
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GRF	230401	Cultural Facilities	\$	22,000,000	\$	28,000,000	55479
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Lease Rental Bond

Payments

GRF	230458	State Construction	\$	1,924,111	\$	1,962,955	55480
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Management Services

GRF	230908	Common Schools	\$	427,000,000	\$	390,000,000	55481
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General Obligation

Bond Debt Service

TOTAL GRF	General Revenue Fund	\$	457,373,976	\$	426,732,443	55482
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Internal Service Activity Fund Group 55483

1310	230639	State Construction	\$	8,257,500	\$	8,546,513	55484
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Management Services

TOTAL ISA	Internal Service Activity	\$	8,257,500	\$	8,546,513	55485
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Fund



from a previous biennium if the district has not raised its local 55517  
share of project costs within thirteen months of receiving 55518  
Controlling Board approval under section 3318.05 or 3318.41 of the 55519  
Revised Code. The Executive Director of the Ohio Facilities 55520  
Construction Commission shall certify the amounts of the canceled 55521  
encumbrances to the Director of Budget and Management on a 55522  
quarterly basis. The amounts of the canceled encumbrances are 55523  
hereby appropriated. 55524

**Section 287.40.** CAPITAL DONATIONS FUND CERTIFICATIONS AND 55525  
APPROPRIATIONS 55526

On July 1, 2021, or as soon as possible thereafter, the 55527  
Executive Director of the Ohio Facilities Construction Commission 55528  
shall certify to the Director of Budget and Management the amount 55529  
of cash receipts and related investment income, irrevocable 55530  
letters of credit from a bank, or certification of the 55531  
availability of funds that have been received from a county or a 55532  
municipal corporation for deposit into the Capital Donations Fund 55533  
(Fund 5A10) and that are related to an anticipated project. These 55534  
amounts are hereby appropriated to appropriation item C37146, 55535  
Capital Donations. Prior to certifying these amounts to the 55536  
Director, the Executive Director shall make a written agreement 55537  
with the participating entity on the necessary cash flows required 55538  
for the anticipated construction or equipment acquisition project. 55539

**Section 287.50.** AMENDMENT TO PROJECT AGREEMENT FOR 55540  
MAINTENANCE LEVY 55541

The Ohio Facilities Construction Commission shall amend the 55542  
project agreement between the Commission and a school district 55543  
that is participating in the Accelerated Urban School Building 55544  
Assistance Program as of September 29, 2018, if the Commission 55545  
determines that it is necessary to do so in order to comply with 55546

division (B)(3)(c) of section 3318.38 of the Revised Code. 55547

**Section 287.60.** Notwithstanding any other provision of law to 55548  
the contrary, the Ohio Facilities Construction Commission may 55549  
determine the amount of funding available for disbursement in a 55550  
given fiscal year for any project approved under sections 3318.01 55551  
to 3318.20 of the Revised Code in order to keep aggregate state 55552  
capital spending within approved limits and may take actions 55553  
including, but not limited to, determining the schedule for design 55554  
or bidding of approved projects, to ensure appropriate and 55555  
supportable cash flow. 55556

**Section 287.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 55557  
DISTRICT 55558

Notwithstanding division (B) of section 3318.40 of the 55559  
Revised Code, in each fiscal year in which funds are available for 55560  
additional projects, the Ohio Facilities Construction Commission 55561  
shall provide assistance to at least one joint vocational school 55562  
district for the acquisition or improvement of classroom 55563  
facilities in accordance with sections 3318.40 to 3318.45 of the 55564  
Revised Code. 55565

**Section 287.80.** RETURNED OR RECOVERED FUNDS 55566

Notwithstanding any provision of law to the contrary, any 55567  
moneys a school district transfers to the Ohio Facilities 55568  
Construction Commission under division (C)(2) or (3) of section 55569  
3318.12 of the Revised Code as well as any moneys recovered from 55570  
settlements with or judgments against parties relating to their 55571  
involvement in a classroom facilities project shall be deposited 55572  
into the fund from which the capital appropriation for the project 55573  
was made. In any fiscal year in which the Commission has made a 55574  
deposit under this section, the Executive Director of the Ohio 55575  
Facilities Construction Commission may request the Director of 55576

Budget and Management to authorize expenditures from those funds 55577  
 and specified appropriation items in excess of the amounts 55578  
 appropriated in an amount equal to the amount of the funds 55579  
 deposited under this section. The additional amounts, if 55580  
 authorized, shall be used in accordance with the purposes of 55581  
 Chapter 3318. of the Revised Code for projects pursuant to 55582  
 sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 55583  
 Revised Code. Upon approval of the Director of Budget and 55584  
 Management, the additional amounts are hereby appropriated. 55585

**Section 289.10. GOV OFFICE OF THE GOVERNOR** 55586

General Revenue Fund 55587

GRF 040321 Operating Expenses	\$	2,973,034	\$	2,973,034	55588
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TOTAL GRF General Revenue Fund	\$	2,973,034	\$	2,973,034	55589
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Internal Service Activity Fund Group 55590

5AK0 040607 Government Relations	\$	619,988	\$	619,988	55591
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TOTAL ISA Internal Service Activity					55592
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Fund Group	\$	619,988	\$	619,988	55593
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TOTAL ALL BUDGET FUND GROUPS	\$	3,593,022	\$	3,593,022	55594
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**GOVERNMENT RELATIONS** 55595

The Office of the Governor may issue an intrastate transfer 55596  
 voucher to charge any state agency of the executive branch such 55597  
 amounts necessary to represent the interests of Ohio to federal, 55598  
 state, and local government units and to cover the costs or 55599  
 membership dues related to Ohio's participation in national and 55600  
 regional associations. Amounts collected shall be deposited in the 55601  
 Government Relations Fund (Fund 5AK0). 55602

**Section 291.10. DOH DEPARTMENT OF HEALTH** 55603

General Revenue Fund 55604

GRF 440413 Local Health	\$	8,379,808	\$	2,379,808	55605
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Departments						
GRF 440416	Mothers and Children	\$	4,303,612	\$	4,303,612	55606
	Safety Net Services					
GRF 440431	Free Clinic Safety Net	\$	1,500,000	\$	1,500,000	55607
	Services					
GRF 440438	Breast and Cervical	\$	1,021,131	\$	1,021,131	55608
	Cancer Screening					
GRF 440444	AIDS Prevention	\$	3,493,468	\$	3,493,468	55609
GRF 440451	Public Health	\$	3,672,005	\$	3,672,005	55610
	Laboratory					
GRF 440452	Child and Family	\$	589,482	\$	589,482	55611
	Health Services Match					
GRF 440453	Health Care Quality	\$	6,084,936	\$	6,084,936	55612
	Assurance					
GRF 440454	Environmental	\$	2,779,841	\$	2,779,841	55613
	Health/Radiation					
	Protection					
GRF 440459	Help Me Grow	\$	41,242,281	\$	41,242,281	55614
GRF 440465	FQHC Primary Care	\$	2,686,688	\$	2,686,688	55615
	Workforce Initiative					
GRF 440472	Alcohol Testing	\$	1,210,805	\$	1,210,805	55616
GRF 440474	Infant Vitality	\$	17,637,292	\$	12,137,292	55617
GRF 440477	Emergency Preparedness	\$	1,431,954	\$	1,431,954	55618
	and Response					
GRF 440481	Lupus Awareness	\$	193,120	\$	193,120	55619
GRF 440482	Chronic Disease,	\$	11,148,480	\$	7,898,480	55620
	Injury Prevention and					
	Drug Overdose					
GRF 440483	Infectious Disease	\$	6,522,054	\$	4,522,054	55621
	Prevention and Control					
GRF 440484	Public Health	\$	1,313,760	\$	1,313,760	55622
	Technology Innovation					
GRF 440505	Medically Handicapped	\$	11,262,451	\$	11,262,451	55623

	Children				
GRF 440507	Targeted Health Care	\$	2,000,000	\$	2,000,000
	Services-Over 21				55624
GRF 440527	Lead Abatement	\$	7,150,000	\$	7,150,000
GRF 440529	Harm Reduction	\$	50,000	\$	50,000
GRF 440530	Lead-Safe Home Fund	\$	1,000,000	\$	1,000,000
	Pilot Program				55627
GRF 440672	Youth Homelessness	\$	2,500,000	\$	2,500,000
GRF 654453	Medicaid - Health Care	\$	4,246,250	\$	4,246,250
	Quality Assurance				55629
TOTAL GRF	General Revenue Fund	\$	143,419,418	\$	126,669,418
					55630
	Highway Safety Fund Group				55631
4T40 440603	Child Highway Safety	\$	200,000	\$	200,000
TOTAL HSF	Highway Safety Fund Group	\$	200,000	\$	200,000
					55633
	Dedicated Purpose Fund Group				55634
4700 440647	Fee Supported Programs	\$	29,178,120	\$	29,178,120
4710 440619	Certificate of Need	\$	878,433	\$	878,433
4730 440622	Lab Operating Expenses	\$	8,900,000	\$	8,900,000
4770 440627	Medically Handicapped	\$	5,000,000	\$	5,000,000
	Children Audit				55638
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039
4F90 440610	Sickle Cell Disease	\$	1,032,824	\$	1,032,824
	Control				55639
4G00 440636	Heirloom Birth	\$	15,000	\$	15,000
	Certificate				55641
4G00 440637	Birth Certificate	\$	15,000	\$	15,000
	Surcharge				55642
4L30 440609	HIV Care and	\$	38,704,139	\$	38,719,096
	Miscellaneous Expenses				55643
4P40 440628	Ohio Physician Loan	\$	700,000	\$	700,000
	Repayment				55644
4V60 440641	Save Our Sight	\$	2,500,000	\$	2,500,000
					55645

5B50	440616	Quality, Monitoring, and Inspection	\$	736,194	\$	736,194	55646
5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$	14,500,000	\$	14,500,000	55647
5CN0	440645	Choose Life	\$	80,000	\$	80,000	55648
5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000	55649
5ED0	440651	Smoke Free Indoor Air	\$	280,000	\$	280,000	55650
5G40	440639	Adoption Services	\$	100,000	\$	100,000	55651
5PE0	440659	Breast and Cervical Cancer Services	\$	500,000	\$	500,000	55652
5QJ0	440662	Dental Hygienist Loan Repayments	\$	100,000	\$	100,000	55653
5SH0	440520	Children's Wish Grant Program	\$	275,000	\$	275,000	55654
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	55655
5Z70	440624	Ohio Dentist Loan Repayment	\$	275,000	\$	275,000	55656
6100	440626	Radiation Emergency Response	\$	1,300,000	\$	1,300,000	55657
6660	440607	Medically Handicapped Children - County Assessments	\$	24,000,000	\$	24,000,000	55658
6980	440634	Nurse Aide Training	\$	125,000	\$	125,000	55659
1087	440680	Nursing Home Bed Reduction	\$	50,000,000	\$	0	55660
TOTAL	DPF	Dedicated Purpose Fund Group	\$	184,505,749	\$	134,520,706	55661
Internal Service Activity Fund Group							55662
1420	440646	Agency Health Services	\$	5,000,000	\$	5,000,000	55663
2110	440613	Central Support Indirect Costs	\$	29,750,000	\$	29,750,000	55664



**Section 291.20.** LOCAL HEALTH DEPARTMENTS 55683

Of the foregoing appropriation item 440413, Local Health 55684  
Departments, up to \$6,000,000 in fiscal year 2022 may be used to 55685  
support local health departments' efforts to improve population 55686  
health, based upon the findings and recommendations in Ohio's 55687  
2020-2022 State Health Improvement Plan, and/or to incentivize 55688  
efficiencies among local health departments, including the use of 55689  
shared services or the consolidation of local health departments 55690  
that formally merge on or after July 1, 2021. Funding for mergers 55691  
shall be distributed only after a formal merger agreement is 55692  
signed by two or more local health departments and shared with the 55693  
Department of Health. The funding shall be used to cover the costs 55694  
related to the merger and to build capacity for the newly combined 55695  
local health department in order to improve services to the public 55696  
and the health of all residents. A portion of this funding may 55697  
also be used to support pre-merger analysis and planning for 55698  
departments interested in a merger. 55699

On July 1, 2022, or as soon as possible thereafter, the 55700  
Director of Health may certify to the Director of Budget and 55701  
Management an amount up to the unexpended, unencumbered balance of 55702  
the foregoing appropriation item 440413, Local Health Departments, 55703  
at the end of fiscal year 2022 to be reappropriated to fiscal year 55704  
2023. The amount certified is hereby reappropriated to the same 55705  
appropriation item for fiscal year 2023. 55706

MOTHERS AND CHILDREN SAFETY NET SERVICES 55707

Of the foregoing appropriation item 440416, Mothers and 55708  
Children Safety Net Services, up to \$200,000 in each fiscal year 55709  
may be used to assist families with hearing-impaired children 55710  
under twenty-one years of age in purchasing hearing aids and 55711  
hearing assistive technology. The Director of Health shall adopt 55712  
rules governing the distribution of these funds, including rules 55713

that do both of the following: (1) establish eligibility criteria 55714  
to include families with incomes at or below four hundred per cent 55715  
of the federal poverty guidelines as defined in section 5101.46 of 55716  
the Revised Code, and (2) develop a sliding scale of disbursements 55717  
under this section based on family income. The Director may adopt 55718  
other rules as necessary to implement this section. Rules adopted 55719  
under this section shall be adopted in accordance with Chapter 55720  
119. of the Revised Code. 55721

FREE CLINIC SAFETY NET SERVICES 55722

The foregoing appropriation item 440431, Free Clinic Safety 55723  
Net Services, shall be provided to the Charitable Healthcare 55724  
Network. Funds may be used to reimburse free clinics for health 55725  
care services provided, as well as for administrative services, 55726  
information technology costs, infrastructure repair, or other 55727  
clinic necessities. Additionally, the Director of Health may 55728  
designate up to five per cent of the appropriation in each fiscal 55729  
year to pay the administrative costs the Department of Health 55730  
incurs for operating the program. 55731

AIDS PREVENTION 55732

The foregoing appropriation item 440444, AIDS Prevention, 55733  
shall be used to administer educational and other prevention 55734  
initiatives. 55735

FQHC PRIMARY CARE WORKFORCE INITIATIVE 55736

The foregoing appropriation item 440465, FQHC Primary Care 55737  
Workforce Initiative, shall be provided to the Ohio Association of 55738  
Community Health Centers to administer the FQHC Primary Care 55739  
Workforce Initiative. The Initiative shall provide medical, 55740  
dental, behavioral health, physician assistant, and advanced 55741  
practice nursing students with clinical rotations through 55742  
federally qualified health centers. 55743

INFANT VITALITY 55744

Of the foregoing appropriation item, 440474, Infant Vitality, 55745  
up to \$5,000,000 in fiscal year 2022 shall be used, in 55746  
consultation with the Governor's Office of Children's Initiatives, 55747  
to support programming by community and local faith-based service 55748  
providers that invests in maternal health programs, provides 55749  
services and support to pregnant mothers, and improves both 55750  
maternal and infant health outcomes. 55751

Of the foregoing appropriation item 440474, Infant Vitality, 55752  
up to \$500,000 in fiscal year 2022 shall be used, in consultation 55753  
with the Department of Medicaid, to develop a universal needs 55754  
assessment to identify and provide needed health and wraparound 55755  
supports for vulnerable women. 55756

The remainder of appropriation item 440474, Infant Vitality, 55757  
shall be used to fund a multi-pronged population health approach 55758  
to address infant mortality. This approach may include the 55759  
following: increasing awareness; supporting data collection; 55760  
analysis and interpretation to inform decision-making and ensure 55761  
accountability; targeting resources where the need is greatest; 55762  
and implementing quality improvement science and programming that 55763  
is evidence-based or based on emerging practices. Measurable 55764  
interventions may include activities related to safe sleep, 55765  
community engagement, Centering Pregnancy, newborn screening, safe 55766  
birth spacing, gestational diabetes, smoking cessation, 55767  
breastfeeding, care coordination, and progesterone. 55768

EMERGENCY PREPAREDNESS AND RESPONSE 55769

The foregoing appropriation item 440477, Emergency 55770  
Preparedness and Response, shall be used to support public health 55771  
emergency preparedness and response efforts. This appropriation 55772  
may also be used to support data infrastructure projects and other 55773  
data analysis and analytics work. 55774

LUPUS AWARENESS 55775

The foregoing appropriation item 440481, Lupus Awareness, 55776  
shall be distributed to the Lupus Foundation of America, Greater 55777  
Ohio Chapter, Inc., to operate a lupus education and awareness 55778  
program. 55779

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE 55780

Of the foregoing appropriation item 440482, Chronic Disease, 55781  
Injury Prevention and Drug Overdose, up to \$3,000,000 in fiscal 55782  
year 2022 shall be used, in consultation with the Department of 55783  
Mental Health and Addiction Services and the Governor's 55784  
RecoveryOhio Initiative, to support the continuation of the 55785  
Emergency Department Comprehensive Care Initiative to enhance 55786  
Ohio's response to the addiction crisis by creating a 55787  
comprehensive system of care for patients who present in emergency 55788  
departments with addiction. 55789

Of the foregoing appropriation item 440482, Chronic Disease, 55790  
Injury Prevention and Drug Overdose, up to \$250,000 in fiscal year 55791  
2022 shall be used, in consultation with the Governor's 55792  
RecoveryOhio Initiative, to support local health providers' harm 55793  
reduction efforts to reduce overdose rates and deaths. 55794

INFECTIOUS DISEASE PREVENTION AND CONTROL 55795

Of the foregoing appropriation item 440483, Infectious 55796  
Disease Prevention and Control, up to \$2,000,000 in fiscal year 55797  
2022 shall be used, in consultation with Ohio's state agencies, 55798  
boards, and commissions, for the purpose of addressing social 55799  
determinants of health and improving health equity for all 55800  
Ohioans. 55801

On July 1, 2022, or as soon as possible thereafter, the 55802  
Director of Health may certify to the Director of Budget and 55803  
Management an amount up to the unexpended, unencumbered balance of 55804  
the foregoing appropriation item 440483, Infectious Disease 55805  
Prevention and Control, at the end of fiscal year 2022 to be 55806

reappropriated to fiscal year 2023. The amount certified is hereby 55807  
reappropriated to the same appropriation item for fiscal year 55808  
2023. 55809

TARGETED HEALTH CARE SERVICES-OVER 21 55810

The foregoing appropriation item 440507, Targeted Health Care 55811  
Services-Over 21, shall be used to administer the Cystic Fibrosis 55812  
Program and to implement the Hemophilia Insurance Premium Payment 55813  
Program. The Department of Health shall expend \$100,000 in each 55814  
fiscal year to implement the Hemophilia Insurance Premium Payment 55815  
Program. 55816

The foregoing appropriation item 440507, Targeted Health Care 55817  
Services-Over 21, shall also be used to provide essential 55818  
medications and to pay the copayments for drugs approved by the 55819  
Department of Health and covered by Medicare Part D that are 55820  
dispensed to Bureau for Children with Medical Handicaps (BCMh) 55821  
participants for the Cystic Fibrosis Program. 55822

The Department shall expend all of the funds appropriated in 55823  
appropriation item 440507, Targeted Health Care Services-Over 21. 55824

LEAD ABATEMENT 55825

Of the foregoing appropriation item 440527, Lead Abatement, 55826  
\$250,000 in each fiscal year shall be used by the Department of 55827  
Health to distribute funds to the city of Toledo for lead-based 55828  
paint abatement, containment, and housing rehabilitation projects 55829  
in the historic south neighborhoods of Toledo. The Department may 55830  
choose to require matching funding and to include project and 55831  
reporting requirements before distributing funds. 55832

HARM REDUCTION 55833

The foregoing appropriation item 440529, Harm Reduction, 55834  
shall be used to distribute funding to local health departments or 55835  
a partner agency to operate harm reduction programs, including 55836

syringe services. Local health departments eligible for funding 55837  
shall be accredited or in the process of becoming accredited 55838  
through the Public Health Accreditation Board. 55839

LEAD-SAFE HOME FUND PILOT PROGRAM 55840

The foregoing appropriation item 440530, Lead-Safe Home Fund 55841  
Pilot Program, shall be used by the Department of Health to make 55842  
distributions on a quarterly basis to the Lead Safe Cleveland 55843  
Coalition for the Lead-Safe Home Fund Pilot Program. Before any 55844  
funds are distributed, the Coalition shall provide the Department 55845  
with documentation showing the amount of private sector dollars 55846  
the Coalition has collected. The amount of each distribution 55847  
provided by the Department shall not exceed the amount documented. 55848  
Total disbursements shall not exceed \$1,000,000 in each fiscal 55849  
year. 55850

YOUTH HOMELESSNESS 55851

The foregoing appropriation item 440672, Youth Homelessness, 55852  
shall be used to address homelessness in youth and pregnant women 55853  
by providing assertive outreach to provide stable housing, 55854  
including recovery housing. 55855

FEE SUPPORTED PROGRAMS 55856

Of the foregoing appropriation item 440647, Fee Supported 55857  
Programs, \$2,160,000 in each fiscal year shall be used to 55858  
distribute subsidies, on a per capita basis, to local health 55859  
departments accredited through the Public Health Accreditation 55860  
Board, or local health departments that are in the process of 55861  
earning accreditation. 55862

Of the foregoing appropriation item 440647, Fee Supported 55863  
Programs, \$1,840,000 in each fiscal year shall be used to 55864  
distribute subsidies to local health departments accredited 55865  
through the Public Health Accreditation Board on a per capita 55866  
basis. 55867

MEDICALLY HANDICAPPED CHILDREN AUDIT 55868

The Medically Handicapped Children Audit Fund (Fund 4770) 55869  
shall receive revenue from audits of hospitals and recoveries from 55870  
third-party payers. Moneys may be expended for payment of audit 55871  
settlements and for costs directly related to obtaining recoveries 55872  
from third-party payers and for encouraging Medically Handicapped 55873  
Children's Program recipients to apply for third-party benefits. 55874  
Moneys also may be expended for payments for diagnostic and 55875  
treatment services on behalf of medically handicapped children, as 55876  
defined in division (A) of section 3701.022 of the Revised Code, 55877  
and Ohio residents who are twenty-one or more years of age and who 55878  
are suffering from cystic fibrosis or hemophilia. Moneys may also 55879  
be expended for administrative expenses incurred in operating the 55880  
Medically Handicapped Children's Program. 55881

GENETICS SERVICES 55882

The foregoing appropriation item 440608, Genetics Services, 55883  
shall be used by the Department of Health to administer programs 55884  
authorized by sections 3701.501 and 3701.502 of the Revised Code. 55885  
None of these funds shall be used to counsel or refer for 55886  
abortion, except in the case of a medical emergency. 55887

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 55888

Of the foregoing appropriation item 440656, Tobacco Use 55889  
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 55890  
year shall be used to award grants in accordance with the section 55891  
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 55892

Of the foregoing appropriation item 440656, Tobacco Use 55893  
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 55894  
year shall be distributed to boards of health for the Baby and Me 55895  
Tobacco Free Program. The Director of Health shall determine how 55896  
the funds are to be distributed, but shall prioritize awards to 55897  
boards that serve women who reside in communities that have the 55898

highest infant mortality rates in this state, as identified under 55899  
section 3701.142 of the Revised Code. 55900

The remainder of appropriation item 440656, Tobacco Use 55901  
Prevention, Cessation, and Enforcement, shall be used to 55902  
administer tobacco use prevention and cessation activities and 55903  
programs, to administer compliance checks, retailer education, and 55904  
programs related to legal age restrictions, and to enforce the 55905  
Ohio Smoke-Free Workplace Act. 55906

TOXICOLOGY SCREENINGS 55907

The foregoing appropriation item 440621, Toxicology 55908  
Screenings, shall be used to reimburse county coroners in counties 55909  
in which the coroner has performed toxicology screenings on 55910  
victims of a drug overdose. The Director of Health shall transfer 55911  
the funds to the counties in proportion to the numbers of 55912  
toxicology screenings performed per county. 55913

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 55914

The foregoing appropriation item 440607, Medically 55915  
Handicapped Children - County Assessments, shall be used to make 55916  
payments under division (E) of section 3701.023 of the Revised 55917  
Code. 55918

CASH TRANSFER TO EMERGENCY PREPAREDNESS AND RESPONSE FUND 55919

If the Director of Health determines that there are 55920  
insufficient funds in appropriation item 440477, Emergency 55921  
Preparedness and Response, for public health emergency 55922  
preparedness and response activities, the Director may certify to 55923  
the Director of Budget and Management an amount necessary to 55924  
address these activities. Upon certification, the Director of 55925  
Budget and Management shall transfer up to \$500,000 cash in each 55926  
fiscal year from the Controlling Board Emergency 55927  
Purposes/Contingencies Fund (Fund 5KM0) to the Emergency 55928  
Preparedness and Response Fund (Fund 5UA0). The amount transferred 55929

is hereby appropriated. 55930

**Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM** 55931

(A) The Department of Health shall create the Moms Quit for 55932  
Two Grant Program. Recognizing the significant health risks posed 55933  
to women and their children by tobacco use during and after 55934  
pregnancy, the Department shall award grants to private, nonprofit 55935  
entities or government entities that demonstrate the ability to 55936  
deliver evidence-based tobacco cessation interventions to women 55937  
who reside in communities that have the highest incidence of 55938  
infant mortality, as determined by the Director of Health, and who 55939  
are pregnant or live with children. Funds awarded under this 55940  
section shall not be used to provide tobacco cessation 55941  
interventions to women who are eligible for Medicaid. The 55942  
Department may adopt any rules it considers necessary to 55943  
administer the Program. 55944

(B) The Department shall create a grant application and 55945  
develop a process for receiving and evaluating completed grant 55946  
applications on a competitive basis. The Department shall give 55947  
first preference to the entities described in division (A) of this 55948  
section that are able to target the interventions to pregnant 55949  
women and second preference to such entities that are able to 55950  
target the interventions to women living with children. The 55951  
Department's decision regarding a submitted grant application is 55952  
final. 55953

(C) The Department shall establish performance objectives to 55954  
be met by grant recipients. The Department shall monitor the 55955  
performance of each grant recipient in meeting the objectives. 55956

**Section 291.40. WIC VENDOR CONTRACTS** 55957

(A) As used in this section, "WIC" means the Special 55958  
Supplemental Nutrition Program for Women, Infants, and Children 55959

established under the "Child Nutrition Act of 1966," 80 Stat. 885, 55960  
42 U.S.C. 1786, as amended. 55961

(B) During fiscal year 2022 and fiscal year 2023, the 55962  
Department of Health shall process and review a WIC vendor 55963  
contract application pursuant to Chapter 3701-42 of the 55964  
Administrative Code not later than forty-five days after receipt 55965  
of the application if the applicant is a WIC-contracted vendor at 55966  
the time of application and meets all of the following 55967  
requirements: 55968

(1) Submits a complete WIC vendor application with all 55969  
required documents and information; 55970

(2) Passes the required unannounced preauthorization visit 55971  
within forty-five days of submitting a complete application; 55972

(3) Completes the required in-person training within 55973  
forty-five days of submitting the complete application. 55974

(C) If an applicant fails to meet any of the requirements 55975  
described in division (B) of this section, the Department shall 55976  
deny the application for the contract. After an application has 55977  
been denied, the applicant may reapply for a contract to act as a 55978  
WIC vendor during the contracting cycle that is applicable to the 55979  
applicant's WIC region. 55980

**Section 291.50. LONG-TERM CARE BED BUYBACK PROGRAM** 55981

(A) As used in this section, "franchise permit fee" and 55982  
"nursing facility" have the same meanings as in section 5165.01 of 55983  
the Revised Code. 55984

(B) The Department of Health shall operate a long-term care 55985  
bed buyback program, in consultation with the Department of Aging 55986  
and the Department of Medicaid, during state fiscal years 2022 and 55987  
2023 under which nursing facility operators may voluntarily, 55988  
permanently surrender for compensation from the Department of 55989

Health one or more licensed long-term care beds due to a decrease 55990  
in bed utilization. Both of the following conditions must be met 55991  
for a nursing facility operator to surrender a long-term care bed 55992  
under the bed buyback program: 55993

(1) The bed must be located in a county with a bed excess, as 55994  
calculated by the Department of Health pursuant to section 55995  
3702.593 of the Revised Code. 55996

(2) After the bed is surrendered, the county must have 55997  
sufficient beds remaining to address the bed need in the county, 55998  
as calculated by the Department pursuant to section 3702.593 of 55999  
the Revised Code. 56000

(C) The Department of Health shall solicit applications from 56001  
nursing home operators to participate in the bed buyback program. 56002  
In the solicitation, the Department shall set forth program 56003  
requirements and criteria that will be used to evaluate competing 56004  
bed surrender proposals. In evaluating applications, the 56005  
Department shall consider which facilities best meet the bed 56006  
buyback program requirements and shall give priority to operators 56007  
of nursing facilities that are current with their franchise permit 56008  
fee payment obligations. While an application is pending, no 56009  
nursing facility operator shall submit to the Department, either 56010  
as an applicant or source facility, a certificate of need 56011  
involving any of the long-term care beds licensed at the nursing 56012  
facility or a change of operator application. 56013

If an application is denied, the applicant may request that 56014  
the Department reconsider its redetermination. Upon such a 56015  
request, the Department shall conduct a reconsideration of its 56016  
decision. The redetermination is final and is not subject to 56017  
appeal. 56018

(D) Not later than three business days after acceptance of 56019  
payment by the Department for the surrender of a long-term care 56020

bed under the bed buyback program, the operator of a nursing 56021  
facility that is licensed under section 3721.07 of the Revised 56022  
Code shall notify the Director of Health that the operator is 56023  
participating in the bed buyback program and has accepted payment 56024  
for a long-term care bed at the nursing facility and the number of 56025  
beds that are being permanently surrendered by the operator. Upon 56026  
such notice, those beds will be permanently removed from the 56027  
nursing facility's licensed bed capacity. 56028

(E) The foregoing appropriation item 440680, Nursing Home Bed 56029  
Reduction, shall be used in fiscal year 2022 to support the 56030  
long-term care bed buyback program established in accordance with 56031  
this section. 56032

On July 1, 2022, or as soon as possible thereafter, the 56033  
Director of Health may certify to the Director of Budget and 56034  
Management an amount up to the unexpended, unencumbered balance of 56035  
the foregoing appropriation item, 440680, Nursing Home Bed 56036  
Reduction, at the end of fiscal year 2022 to be reappropriated to 56037  
fiscal year 2023. The amount certified is hereby reappropriated to 56038  
the same appropriation item and for the same purpose for fiscal 56039  
year 2023. 56040

**Section 293.10.** HEF HIGHER EDUCATIONAL FACILITY COMMISSION 56041

Dedicated Purpose Fund Group 56042

4610 372601 Operating Expenses \$ 12,500 \$ 12,500 56043

TOTAL DPF Dedicated Purpose Fund \$ 12,500 \$ 12,500 56044

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 56045

**Section 295.10.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 56047

General Revenue Fund 56048

GRF 148321 Operating Expenses \$ 464,047 \$ 464,047 56049

TOTAL GRF General Revenue Fund \$ 464,047 \$ 464,047 56050

Dedicated Purpose Fund Group				56051
6010	148602	Special Initiatives	\$ 24,558 \$	24,558 56052
TOTAL DPF Dedicated Purpose Fund				\$ 24,558 \$ 24,558 56053
Group				
TOTAL ALL BUDGET FUND GROUPS				\$ 488,605 \$ 488,605 56054
 <b>Section 297.10. OHS OHIO HISTORY CONNECTION</b>				56056
General Revenue Fund				56057
GRF	360501	Education and Collections	\$ 5,016,092 \$	5,016,092 56058
GRF	360502	Site and Museum Operations	\$ 6,532,753 \$	6,532,753 56059
GRF	360504	Ohio Preservation Office	\$ 261,609 \$	261,609 56060
GRF	360505	National Afro-American Museum	\$ 451,050 \$	451,050 56061
GRF	360506	Hayes Presidential Center	\$ 511,500 \$	511,500 56062
GRF	360508	State Historical Grants	\$ 1,244,805 \$	1,244,805 56063
GRF	360509	Outreach and Partnership	\$ 144,692 \$	144,692 56064
TOTAL GRF General Revenue Fund				\$ 14,162,501 \$ 14,162,501 56065
Dedicated Purpose Fund Group				56066
5KL0	360602	Ohio History Tax Check-off	\$ 150,000 \$	150,000 56067
5PD0	360603	Ohio History License Plate	\$ 10,000 \$	10,000 56068
TOTAL DPF Dedicated Purpose Fund				\$ 160,000 \$ 160,000 56069
Group				
TOTAL ALL BUDGET FUND GROUPS				\$ 14,322,501 \$ 14,322,501 56070
SUBSIDY APPROPRIATION				56071

Upon approval by the Director of Budget and Management, the 56072  
foregoing appropriation items shall be released to the Ohio 56073  
History Connection in quarterly amounts that in total do not 56074  
exceed the annual appropriations. The funds and fiscal records of 56075  
the Ohio History Connection for fiscal year 2022 and fiscal year 56076  
2023 shall be examined by independent certified public accountants 56077  
approved by the Auditor of State, and a copy of the audited 56078  
financial statements shall be filed with the Office of Budget and 56079  
Management. 56080

The foregoing appropriations shall be considered to be the 56081  
contractual consideration provided by the state to support the 56082  
state's offer to contract with the Ohio History Connection under 56083  
section 149.30 of the Revised Code. 56084

**Section 299.10.** REP OHIO HOUSE OF REPRESENTATIVES 56085

General Revenue Fund 56086

GRF 025321	Operating Expenses	\$ 25,917,274	\$ 25,917,274	56087
TOTAL GRF	General Revenue Fund	\$ 25,917,274	\$ 25,917,274	56088

Internal Service Activity Fund Group 56089

1030 025601	House of	\$ 1,433,664	\$ 1,433,664	56090
	Representatives			
	Reimbursement			

4A40 025602	Miscellaneous Sales	\$ 50,000	\$ 50,000	56091
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TOTAL ISA Internal Service Activity 56092

Fund Group	\$ 1,483,664	\$ 1,483,664	56093
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TOTAL ALL BUDGET FUND GROUPS	\$ 27,400,938	\$ 27,400,938	56094
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**OPERATING EXPENSES** 56095

On July 1, 2021, or as soon as possible thereafter, the Chief 56096  
Administrative Officer of the House of Representatives may certify 56097  
to the Director of Budget and Management an amount up to the 56098  
unexpended, unencumbered balance of the foregoing appropriation 56099

item 025321, Operating Expenses, at the end of fiscal year 2021 to 56100  
 be reappropriated to fiscal year 2022. The amount certified is 56101  
 hereby reappropriated to the same appropriation item for fiscal 56102  
 year 2022. 56103

On July 1, 2022, or as soon as possible thereafter, the Chief 56104  
 Administrative Officer of the House of Representatives may certify 56105  
 to the Director of Budget and Management an amount up to the 56106  
 unexpended, unencumbered balance of the foregoing appropriation 56107  
 item 025321, Operating Expenses, at the end of fiscal year 2022 to 56108  
 be reappropriated to fiscal year 2023. The amount certified is 56109  
 hereby reappropriated to the same appropriation item for fiscal 56110  
 year 2023. 56111

**HOUSE REIMBURSEMENT** 56112

If it is determined by the Chief Administrative Officer of 56113  
 the House of Representatives that additional appropriations are 56114  
 necessary for the foregoing appropriation item 025601, House 56115  
 Reimbursement, the amounts are hereby appropriated. 56116

**Section 301.10. HFA OHIO HOUSING FINANCE AGENCY** 56117

Dedicated Purpose Fund Group 56118

5AZ0 997601 Housing Finance Agency	\$	13,258,659	\$	13,491,862	56119
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Personal Services

TOTAL DPF Dedicated Purpose Fund	\$	13,258,659	\$	13,491,862	56120
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	13,258,659	\$	13,491,862	56121
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**Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL** 56123

General Revenue Fund 56124

GRF 965321 Operating Expenses	\$	1,403,910	\$	1,437,000	56125
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TOTAL GRF General Revenue Fund	\$	1,403,910	\$	1,437,000	56126
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Internal Service Activity Fund Group 56127

5FA0 965603	Deputy Inspector	\$	400,000	\$	400,000	56128
	General for ODOT					
5FT0 965604	Deputy Inspector	\$	425,000	\$	425,000	56129
	General for BWC/OIC					
TOTAL ISA	Internal Service Activity	\$	825,000	\$	825,000	56130
	Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$	2,228,910	\$	2,262,000	56131

**Section 305.10. INS DEPARTMENT OF INSURANCE** 56133

Dedicated Purpose Fund Group 56134

5540 820601	Operating Expenses -	\$	180,000	\$	180,000	56135
	OSHIIP					
5540 820606	Operating Expenses	\$	30,861,244	\$	30,861,244	56136
5550 820605	Examination	\$	9,179,766	\$	9,179,766	56137
5PT0 820613	Captive Insurance	\$	450,000	\$	450,000	56138
	Regulation and					
	Supervision					

TOTAL DPF Dedicated Purpose Fund Group 56139

Federal Fund Group 56140

3U50 820602	OSHIIP Operating	\$	2,793,150	\$	2,793,150	56141
	Grant					
TOTAL FED	Federal Fund Group	\$	2,793,150	\$	2,793,150	56142
TOTAL ALL BUDGET FUND GROUPS		\$	43,464,160	\$	43,464,160	56143

**Section 305.20. MARKET CONDUCT EXAMINATION** 56145

When conducting a market conduct examination of any insurer 56146  
 doing business in this state, the Superintendent of Insurance may 56147  
 assess the costs of the examination against the insurer. The 56148  
 Superintendent may enter into consent agreements to impose 56149  
 administrative assessments or fines for conduct discovered that 56150  
 may be violations of statutes or rules administered by the 56151

Superintendent. All costs, assessments, or fines collected shall 56152  
be deposited to the credit of the Department of Insurance 56153  
Operating Fund (Fund 5540). 56154

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 56155

The Director of Budget and Management, at the request of the 56156  
Superintendent of Insurance, may transfer cash from the Department 56157  
of Insurance Operating Fund (Fund 5540), established by section 56158  
3901.021 of the Revised Code, to the Superintendent's Examination 56159  
Fund (Fund 5550), established by section 3901.071 of the Revised 56160  
Code, only for expenses incurred in examining domestic fraternal 56161  
benefit societies as required by section 3921.28 of the Revised 56162  
Code. 56163

**Section 307.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 56164

General Revenue Fund 56165

GRF 600410 TANF State Maintenance \$ 149,267,326 \$ 149,267,326 56166  
of Effort

GRF 600413 Child Care \$ 83,461,739 \$ 83,461,739 56167  
State/Maintenance of  
Effort

GRF 600450 Program Operations \$ 185,897,917 \$ 187,002,077 56168

GRF 600502 Child Support - Local \$ 26,400,000 \$ 26,400,000 56169

GRF 600521 Family Assistance - \$ 44,748,768 \$ 44,748,768 56170  
Local

GRF 600523 Family and Children \$ 212,194,327 \$ 207,694,327 56171  
Services

GRF 600528 Adoption Services \$ 23,922,517 \$ 23,922,517 56172

GRF 600533 Child, Family, and \$ 13,500,000 \$ 13,500,000 56173  
Community Protection  
Services

GRF 600534 Adult Protective \$ 4,230,000 \$ 4,230,000 56174  
Services

GRF 600535	Early Care and Education	\$	141,285,241	\$	141,285,241	56175
GRF 600541	Kinship Permanency Incentive Program	\$	1,000,000	\$	1,000,000	56176
GRF 600553	Court Appointed Special Advocates	\$	1,000,000	\$	1,000,000	56177
GRF 655425	Medicaid Program Support	\$	12,461,768	\$	12,832,766	56178
GRF 655522	Medicaid Program Support - Local	\$	38,975,628	\$	38,975,628	56179
GRF 655523	Medicaid Program Support - Local Transportation	\$	43,530,000	\$	43,500,000	56180
TOTAL GRF	General Revenue Fund	\$	981,875,231	\$	978,820,389	56181
Dedicated Purpose Fund Group						56182
1980 600647	Children's Trust Fund	\$	6,000,000	\$	6,000,000	56183
4A80 600658	Public Assistance Activities	\$	20,000,000	\$	20,000,000	56184
4A90 600607	Unemployment Compensation Administration Fund	\$	9,250,000	\$	9,250,000	56185
4E70 600604	Family and Children Services Collections	\$	650,000	\$	650,000	56186
4F10 600609	Family and Children Activities	\$	708,000	\$	708,000	56187
5CV1 600557	Coronavirus Relief - Foodbanks	\$	7,000,000	\$	0	56188
5DM0 600633	Audit Settlements and Contingency	\$	1,000,000	\$	1,000,000	56189
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000	56190
5KT0 600696	Early Childhood Education	\$	20,000,000	\$	20,000,000	56191
5NG0 600660	Victims of Human	\$	100,000	\$	100,000	56192

		Trafficking					
5RX0	600699	Workforce Development	\$	300,000	\$	300,000	56193
		Projects					
5RY0	600698	Human Services	\$	21,000,000	\$	21,000,000	56194
		Project					
5TZ0	600674	Childrens Crisis Care	\$	750,000	\$	750,000	56195
5U60	600663	Family and Children	\$	6,000,000	\$	6,262,000	56196
		Support					
5VJ0	600600	Ohio Governor	\$	8,000,000	\$	8,000,000	56197
		Imagination Library					
TOTAL DPF		Dedicated Purpose Fund	\$	101,258,000	\$	94,520,000	56198
		Group					
		Internal Service Activity Fund Group					56199
5HL0	600602	State and County	\$	2,000,000	\$	2,000,000	56200
		Shared Services					
TOTAL ISA		Internal Service Activity	\$	2,000,000	\$	2,000,000	56201
		Fund Group					
		Fiduciary Fund Group					56202
1920	600646	Child Support	\$	100,000,000	\$	100,000,000	56203
		Intercept - Federal					
5830	600642	Child Support	\$	13,000,000	\$	13,000,000	56204
		Intercept - State					
5B60	600601	Food Assistance	\$	4,000,000	\$	4,000,000	56205
		Intercept					
TOTAL FID		Fiduciary Fund Group	\$	117,000,000	\$	117,000,000	56206
		Holding Account Fund Group					56207
R012	600643	Refunds and Audit	\$	500,000	\$	500,000	56208
		Settlements					
TOTAL HLD		Holding Account Fund	\$	500,000	\$	500,000	56209
		Group					
		Federal Fund Group					56210
3270	600606	Child Welfare	\$	61,188,090	\$	42,487,257	56211

3310	600615	Veterans Programs	\$	7,000,000	\$	7,000,000	56212
3310	600624	Employment Services	\$	30,093,153	\$	28,792,564	56213
3310	600686	Workforce Programs	\$	4,000,000	\$	4,000,000	56214
3840	600610	Food Assistance Programs	\$	210,395,858	\$	215,299,061	56215
3850	600614	Refugee Services	\$	12,000,000	\$	12,000,000	56216
3950	600616	Federal Discretionary Grants	\$	5,000,000	\$	5,000,000	56217
3960	600620	Social Services Block Grant	\$	42,000,000	\$	42,003,000	56218
3970	600626	Child Support - Federal	\$	200,506,379	\$	200,712,239	56219
3980	600627	Adoption Program - Federal	\$	178,734,641	\$	178,965,021	56220
3D30	600648	Children's Trust Fund Federal	\$	2,000,000	\$	2,000,000	56221
3F01	655624	Medicaid Program Support - Federal	\$	215,301,139	\$	215,441,374	56222
3H70	600617	Child Care Federal	\$	480,500,000	\$	456,500,000	56223
3N00	600628	Foster Care Program - Federal	\$	307,654,740	\$	308,344,774	56224
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	56225
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$	169,756,357	\$	165,743,862	56226
3V40	600632	Trade Programs	\$	31,004,791	\$	26,455,418	56227
3V40	600678	Federal Unemployment Programs	\$	160,536,498	\$	156,864,218	56228
3V40	600679	Unemployment Compensation Review Commission - Federal	\$	6,183,602	\$	6,281,852	56229
3V60	600689	TANF Block Grant	\$	961,819,158	\$	1,025,474,447	56230
TOTAL	FED	Federal Fund Group	\$	3,086,208,456	\$	3,099,899,137	56231

TOTAL ALL BUDGET FUND GROUPS	\$ 4,288,841,687 \$ 4,292,739,526	56232
<b>Section 307.20. COUNTY ADMINISTRATIVE FUNDS</b>		56234
(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs.		56235 56236 56237 56238
(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program.		56239 56240 56241 56242
(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item:		56243 56244 56245 56246 56247
(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and		56248 56249
(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local.		56250 56251 56252
(D) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.		56253 56254 56255 56256 56257 56258 56259
<b>Section 307.30. NAME OF FOOD STAMP PROGRAM</b>		56260
The Director of Job and Family Services is not required to		56261

amend rules regarding the Food Stamp Program to change the name of 56262  
the program to the Supplemental Nutrition Assistance Program. The 56263  
Director may refer to the program as the Food Stamp Program, the 56264  
Supplemental Nutrition Assistance Program, or the Food Assistance 56265  
Program in rules and documents of the Department of Job and Family 56266  
Services. 56267

**Section 307.40. OHIO ASSOCIATION OF FOOD BANKS** 56268

Of the foregoing appropriation items 600410, TANF State 56269  
Maintenance of Effort, 600658, Public Assistance Activities, and 56270  
600689, TANF Block Grant, a total of up to \$22,050,000 in each 56271  
fiscal year shall be used to provide funds to the Ohio Association 56272  
of Food Banks to purchase and distribute food products, support 56273  
Innovative Summer Meals programs for children, provide SNAP 56274  
outreach and free tax filing services, and provide capacity 56275  
building equipment for food pantries and soup kitchens. 56276

Notwithstanding section 5101.46 of the Revised Code and any 56277  
other provision in this bill, the Director of Job and Family 56278  
Services shall provide assistance from eligible funds to the Ohio 56279  
Association of Food Banks in an amount not less than \$24,550,000 56280  
in each fiscal year. This amount includes the funds designated to 56281  
the Ohio Association of Food Banks in the first paragraph of this 56282  
section. 56283

Eligible nonfederal expenditures made by member food banks of 56284  
the Association shall be counted by the Department of Job and 56285  
Family Services toward the TANF maintenance of effort requirements 56286  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 56287  
shall enter into an agreement with the Ohio Association of Food 56288  
Banks, in accordance with sections 5101.80 and 5101.801 of the 56289  
Revised Code, to carry out the requirements under this section. 56290

**Section 307.50. FOOD STAMPS TRANSFER** 56291

On July 1, 2021, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0).

**Section 307.60. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE**

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

**Section 307.70. TANF STATE MAINTENANCE OF EFFORT**

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, \$5,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Alliance of Boys and Girls Clubs to provide after-school and summer programs that protect at-risk children and enable youth to become responsible adults. Not less than \$75,000 in each fiscal year shall be provided to the Boys and Girls Club of Massillon.

**Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT**

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$13,285,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that

align with the mission and goals of the Governor's Office of 56321  
Faith-Based and Community Initiatives, as outlined in section 56322  
107.12 of the Revised Code, and that further at least one of the 56323  
four purposes of the TANF program, as specified in 42 U.S.C. 601. 56324

Of the foregoing appropriation item 600689, TANF Block Grant, 56325  
up to \$2,000,000 in each fiscal year shall be used, in accordance 56326  
with sections 5101.80 and 5101.801 of the Revised Code, to support 56327  
the Independent Living Initiative, including life skills training 56328  
and work supports for older children in foster care and those who 56329  
have recently aged out of foster care who meet TANF eligibility 56330  
requirements. 56331

Of the foregoing appropriation item 600689, TANF Block Grant, 56332  
up to \$2,200,000 in each fiscal year shall be provided, in 56333  
accordance with sections 5101.80 and 5101.801 of the Revised Code, 56334  
to the Ohio Commission on Fatherhood. 56335

Of the foregoing appropriation item 600689, TANF Block Grant, 56336  
up to \$1,000,000 in each fiscal year shall be provided, in 56337  
accordance with sections 5101.80 and 5101.801 of the Revised Code, 56338  
to the Ohio Children's Trust Fund. 56339

Of the foregoing appropriation item 600689, TANF Block Grant, 56340  
\$1,000,000 in each fiscal year shall be provided, in accordance 56341  
with sections 5101.80 and 5101.801 of the Revised Code, to the 56342  
Children's Hunger Alliance to assist with meal sponsorship, early 56343  
child care programs, child care, consultations and nutrition 56344  
education, school district nutrition programs, after school 56345  
nutrition programs, and summer nutrition programs. 56346

Of the foregoing appropriation item 600689, TANF Block Grant, 56347  
\$1,000,000 in each fiscal year shall be provided, in accordance 56348  
with sections 5101.80 and 5101.801 of the Revised Code, to Big 56349  
Brothers Big Sisters of Central Ohio to provide mentoring services 56350  
to children throughout the state who have experienced trauma in 56351

their lives, including parental incarceration. 56352

Of the foregoing appropriation item 600689, TANF Block Grant, 56353  
\$500,000 in each fiscal year shall be provided, in accordance with 56354  
sections 5101.80 and 5101.801 of the Revised Code, to the Ohio 56355  
Council of YWCAs to support programs that prevent domestic 56356  
violence, support victims of domestic violence, provide 56357  
trauma-informed support for survivors, and support educational 56358  
opportunities for at-risk youth. 56359

Of the foregoing appropriation item 600689, TANF Block Grant, 56360  
\$200,000 in each fiscal year shall be provided, in accordance with 56361  
sections 5101.80 and 5101.801 of the Revised Code, to Marriage 56362  
Works! Ohio in Dayton. 56363

**Section 307.90. FAMILY AND CHILDREN SERVICES** 56364

Of the foregoing appropriation item 600523, Family and 56365  
Children Services, up to \$3,200,000 in each fiscal year shall be 56366  
used to match eligible federal Title IV-B ESSA funds and federal 56367  
Title IV-E Chafee funds allocated to public children services 56368  
agencies. 56369

Of the foregoing appropriation item 600523, Family and 56370  
Children Services, up to \$25,000,000 in each fiscal year shall be 56371  
provided to assist with the expense of providing services to youth 56372  
requiring support from multiple systems. These funds may be used 56373  
for youth currently in the custody of a public children services 56374  
agency or to prevent children from entering into the custody of a 56375  
public children services agency by custody relinquishment or 56376  
another mechanism. The Director of Job and Family Services shall 56377  
adopt rules in accordance with section 111.15 of the Revised Code 56378  
to administer the funding. 56379

Of the foregoing appropriation item 600523, Family and 56380  
Children Services, up to \$5,000,000 in each fiscal year may be 56381

used for staffing for foster parent recruitment, engagement, and support; and up to \$5,000,000 in each fiscal year may be used to strengthen best practices. The Director of Job and Family Services shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item, 600523, Family and Children Services, up to \$110,040,010 in each fiscal year shall be provided to public children services agencies. Of that amount, \$17,600,000 in each fiscal year shall be used to provide an initial allocation of \$200,000 to each county and the remainder shall be provided using the formula in section 5101.14 of the Revised Code.

If the funds available for distribution under section 5101.14 of the Revised Code in fiscal year 2022 and fiscal year 2023 exceed the amount appropriated in fiscal year 2019, each county contributing local funds in county fiscal year 2019 to the county children services fund shall contribute moneys to the children services fund described in section 5101.144 of the Revised Code.

The Director of Job and Family Services shall adopt rules, in accordance with section 111.15 of the Revised Code, to determine the amount of local funds each county must contribute to the children services fund based on past contributions. Rules must include a hardship provision identifying circumstances in which the county contribution may be waived or reduced.

**Section 307.100. KINSHIP CARE NAVIGATOR PROGRAM**

Of the foregoing appropriation item 600523, Family and Children Services, up to \$8,500,000 in each fiscal year shall be used to support the Kinship Care Navigator Program, and may be used to match eligible federal Title IV-E funds.

**Section 307.110. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN**

In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the Department of Job and Family Services from the foregoing appropriation item 600523, Family and Children Services, or 600533, Child, Family, and Community Protection Services, may transfer a portion of either or both allocations to a flexible funding pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

**Section 307.120. CHILD, FAMILY, AND COMMUNITY PROTECTION SERVICES**

(A) The foregoing appropriation item 600533, Child, Family, and Community Protection Services, shall be distributed to county departments of job and family services. County departments shall use the funds distributed to them under this section as follows, in accordance with the written plan of cooperation entered into under section 307.983 of the Revised Code:

(1) To assist individuals in achieving or maintaining self-sufficiency, including by reducing or preventing dependency among individuals with family income not exceeding two hundred per cent of the federal poverty guidelines;

(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the differential response approach program;

(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;

(4) To provide outreach, referral, application assistance, and other services to assist individuals to receive assistance,

benefits, or services under Medicaid; Title IV-A programs, as 56442  
defined in section 5101.80 of the Revised Code; the Supplemental 56443  
Nutrition Assistance Program; and other public assistance 56444  
programs. 56445

(B) Protective services may be provided to a child or adult 56446  
as part of a response, under division (A)(2) of this section, to a 56447  
report of abuse, neglect, or exploitation without regard to a 56448  
child or adult's family income and without need for a written 56449  
application. The protective services may be provided if the case 56450  
record documents circumstances of actual or potential abuse, 56451  
neglect, or exploitation. 56452

**Section 307.130. ADULT PROTECTIVE SERVICES** 56453

The foregoing appropriation item 600534, Adult Protective 56454  
Services, shall be divided equally among the counties. 56455

**Section 307.140. FAMILY AND CHILDREN ACTIVITIES** 56456

The foregoing appropriation item 600609, Family and Children 56457  
Activities, shall be used to expend miscellaneous foundation funds 56458  
and grants to support family and children services activities. 56459

**Section 307.150. COURT APPOINTED SPECIAL ADVOCATES** 56460

Of the foregoing appropriation item 600553, Court Appointed 56461  
Special Advocates, up to \$333,333 in each fiscal year shall be 56462  
used to support administrative costs associated with existing 56463  
court-appointed special advocate programs. 56464

Of the foregoing appropriation item 600553, Court Appointed 56465  
Special Advocates, up to \$666,667 in each fiscal year shall be 56466  
used to establish court-appointed special advocate programs in 56467  
areas of the state that are not served by an existing program and 56468  
to support existing programs. 56469

Of the foregoing appropriation item 600616, Federal Discretionary Grants, up to \$800,000 in each fiscal year shall be used for the training of guardians ad litem and court-appointed special advocates as well as to conduct a study to demonstrate the impact of court-appointed special advocate volunteers on outcomes for children who are in child welfare custody as a result of abuse, neglect, or dependency.

**Section 307.160. WENDY'S WONDERFUL KIDS**

Of the foregoing appropriation items 600450, Program Operations, 600627, Adoption Program - Federal, 600606, Child Welfare, a total of up to \$12,000,000 in each fiscal year may be used to provide funds to the Dave Thomas Foundation for Adoption to implement statewide the Wendy's Wonderful Kids program of professional recruiters who use a child-focused model to find permanent homes for children in Ohio foster care.

**Section 307.170. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND**

Notwithstanding section 5101.073 of the Revised Code, the ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also consist of earned federal revenue the final disposition of which is unknown.

On July 1 of each fiscal year, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to \$21,000,000 cash from the ODJFS Audit Settlements and Contingency Fund (Fund 5DM0), to the Human Services Projects Fund (Fund 5RY0).

**Section 307.180. ADOPTION ASSISTANCE LOAN**

The Department of Job and Family Services may use the State Adoption Assistance Loan Fund (Fund 5DP0) for the administration of adoption assistance loans pursuant to section 3107.018 of the

Revised Code. The amounts of any adoption assistance loans are 56499  
hereby appropriated. 56500

**Section 307.190. EARLY CHILDHOOD EDUCATION** 56501

Of the foregoing appropriation item 600696, Early Childhood 56502  
Education, up to \$20,000,000 in each fiscal year shall be used to 56503  
achieve the goals described in division (C) of section 5104.29 of 56504  
the Revised Code. The funds shall be used to support early 56505  
learning and development programs operating in smaller 56506  
communities, early learning and development programs that are 56507  
rated in the Step Up to Quality program at the third highest tier 56508  
or higher, or both. 56509

**Section 307.200. VICTIMS OF HUMAN TRAFFICKING** 56510

The foregoing appropriation item 600660, Victims of Human 56511  
Trafficking, shall be used to provide treatment, care, 56512  
rehabilitation, education, housing, and assistance for victims of 56513  
trafficking in persons as specified in section 5101.87 of the 56514  
Revised Code. 56515

If receipts credited to the Victims of Human Trafficking Fund 56516  
(Fund 5NG0) exceed the amounts appropriated to the fund, the 56517  
Director of Job and Family Services may request the Director of 56518  
Budget and Management to authorize expenditures from the fund in 56519  
excess of the amounts appropriated. Upon the approval of the 56520  
Director of Budget and Management, the additional amounts are 56521  
hereby appropriated. 56522

**Section 307.210. CHILDRENS CRISIS CARE** 56523

The foregoing appropriation item 600674, Childrens Crisis 56524  
Care, shall be allocated by the Department of Job and Family 56525  
Services in each fiscal year to children's crisis care facilities 56526  
as defined in section 5103.13 of the Revised Code. The Director of 56527

Job and Family Services shall allocate funds in each fiscal year 56528  
based on the total length of stay or days of care for each child 56529  
residing in the facility, which is determined by calculating the 56530  
total days each child resides at the crisis care facility, 56531  
including the date of admission, but not the day of discharge. A 56532  
children's crisis care facility may decline to receive funds 56533  
provided under this section. A children's crisis care facility 56534  
that accepts funds provided under this section shall use the funds 56535  
in accordance with section 5103.13 of the Revised Code and the 56536  
rules as defined in rule 5101:2-9-36 of the Administrative Code. 56537

**Section 307.220. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS** 56538

The Fiduciary Fund Group and Holding Account Fund Group shall 56539  
be used to hold revenues until the appropriate fund is determined 56540  
or until the revenues are directed to the appropriate governmental 56541  
agency other than the Department of Job and Family Services. Any 56542  
Department of Job and Family Services refunds or reconciliations 56543  
received or held by the Department of Medicaid shall be 56544  
transferred or credited to the Refunds and Audit Settlement Fund 56545  
(Fund R012). If receipts credited to the Support Intercept - 56546  
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 56547  
5830), the Food Stamp Offset Fund (Fund 5B60), or the Refunds and 56548  
Audit Settlements Fund (Fund R012) exceed the amounts appropriated 56549  
from the fund, the Director of Job and Family Services may request 56550  
the Director of Budget and Management to authorize expenditures 56551  
from the fund in excess of the amounts appropriated. Upon the 56552  
approval of the Director of Budget and Management, the additional 56553  
amounts are hereby appropriated. 56554

**Section 307.230. FEDERAL UNEMPLOYMENT PROGRAMS** 56555

A portion of the foregoing appropriation item 600678, Federal 56556  
Unemployment Programs, shall be provided in accordance with 56557

sections 4141.162 and 4141.35 of the Revised Code to administer 56558  
fraud identification and prevention efforts in the unemployment 56559  
program. 56560

**Section 307.240.** UNEMPLOYMENT INSURANCE PROGRAM IMPROVEMENT 56561

To improve customer service and program integrity within the 56562  
Unemployment Insurance Program, the Department of Job and Family 56563  
Services shall integrate specific system enhancements to 56564  
streamline claims processing, enhance adjudication methodology 56565  
where appropriate, and secure and implement a new cloud-based tax 56566  
and benefits system to replace outdated technology. 56567

**Section 309.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 56568

General Revenue Fund 56569

GRF 029321 Operating Expenses	\$	570,000	\$	570,000	56570
TOTAL GRF General Revenue Fund	\$	570,000	\$	570,000	56571
TOTAL ALL BUDGET FUND GROUPS	\$	570,000	\$	570,000	56572

OPERATING GUIDANCE 56573

The Legislative Service Commission shall act as fiscal agent 56574  
for the Joint Committee on Agency Rule Review. Members of the 56575  
Committee shall be paid in accordance with section 101.35 of the 56576  
Revised Code. 56577

OPERATING EXPENSES 56578

On July 1, 2021, or as soon as possible thereafter, the 56579  
Executive Director of the Joint Committee on Agency Rule Review 56580  
may certify to the Director of Budget and Management an amount up 56581  
to the unexpended, unencumbered balance of the foregoing 56582  
appropriation item 029321, Operating Expenses, at the end of 56583  
fiscal year 2021 to be reappropriated to fiscal year 2022. The 56584  
amount certified is hereby reappropriated to the same 56585  
appropriation item for fiscal year 2022. 56586

On July 1, 2022, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

**Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE**

General Revenue Fund				56595
GRF 048321 Operating Expenses	\$	371,848	\$ 575,083	56596
TOTAL GRF General Revenue Fund	\$	371,848	\$ 575,083	56597
TOTAL ALL BUDGET FUND GROUPS	\$	371,848	\$ 575,083	56598

**OPERATING EXPENSES**

The foregoing appropriation item 048321, Operating Expenses, shall be used to support expenses related to the Joint Medicaid Oversight Committee created by section 103.41 of the Revised Code.

On July 1, 2021, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of

fiscal year 2022 to be reappropriated to fiscal year 2023. The 56617  
amount certified is hereby reappropriated to the same 56618  
appropriation item for fiscal year 2023. 56619

**Section 315.10.** JCO JUDICIAL CONFERENCE OF OHIO 56620

General Revenue Fund 56621

GRF 018321	Operating Expenses	\$	1,046,464	\$	1,083,265	56622
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TOTAL GRF	General Revenue Fund	\$	1,046,464	\$	1,083,265	56623
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Dedicated Purpose Fund Group 56624

4030 018601	Ohio Jury	\$	531,471	\$	540,421	56625
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Instructions

TOTAL DPF	Dedicated Purpose Fund	\$	531,471	\$	540,421	56626
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,577,935	\$	1,623,686	56627
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STATE COUNCIL OF UNIFORM STATE LAWS 56628

Notwithstanding section 105.26 of the Revised Code, of the 56629  
foregoing appropriation item 018321, Operating Expenses, up to 56630  
\$96,305 in fiscal year 2022 and up to \$99,194 in fiscal year 2023 56631  
shall be used to pay the expenses of the State Council of Uniform 56632  
State Laws, including membership dues to the National Conference 56633  
of Commissioners on Uniform State Laws. 56634

OHIO JURY INSTRUCTIONS FUND 56635

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 56636  
grants, royalties, dues, conference fees, bequests, devises, and 56637  
other gifts received for the purpose of supporting costs incurred 56638  
by the Judicial Conference of Ohio in its activities as a part of 56639  
the judicial system of the state as determined by the Judicial 56640  
Conference Executive Committee. Fund 4030 shall be used by the 56641  
Judicial Conference of Ohio to pay expenses incurred in its 56642  
activities as a part of the judicial system of the state as 56643  
determined by the Judicial Conference Executive Committee. All 56644

moneys accruing to Fund 4030 in excess of the amount appropriated 56645  
for the current fiscal year are hereby appropriated for the 56646  
purposes authorized. No money in Fund 4030 shall be transferred to 56647  
any other fund by the Director of Budget and Management or the 56648  
Controlling Board. 56649

**Section 317.10. JSC THE JUDICIARY/SUPREME COURT** 56650

General Revenue Fund 56651

GRF 005321 Operating Expenses - \$ 185,879,257 \$ 190,389,942 56652  
Judiciary/Supreme  
Court

GRF 005401 State Criminal \$ 1,346,891 \$ 1,438,123 56653  
Sentencing Commission

GRF 005406 Law-Related Education \$ 200,000 \$ 200,000 56654

GRF 005409 Ohio Courts \$ 3,829,540 \$ 3,843,940 56655  
Technology Initiative

TOTAL GRF General Revenue Fund \$ 191,255,688 \$ 195,872,005 56656

Dedicated Purpose Fund Group 56657

4C80 005605 Attorney Services \$ 11,015,310 \$ 10,979,027 56658

5HT0 005617 Court Interpreter \$ 7,000 \$ 7,000 56659  
Certification

5SP0 005626 Civil Justice Grant \$ 350,000 \$ 350,000 56660  
Program

5T80 005609 Grants and Awards \$ 5,000 \$ 5,000 56661

6720 005601 Judiciary/Supreme \$ 105,000 \$ 105,000 56662  
Court Education

TOTAL DPF Dedicated Purpose Fund \$ 11,482,310 \$ 11,446,027 56663  
Group

Fiduciary Fund Group 56664

5JY0 005620 County Law Library \$ 308,000 \$ 323,500 56665  
Resources Boards

TOTAL FID Fiduciary Fund Group \$ 308,000 \$ 323,500 56666

Federal Fund Group				56667	
3J00 005603 Federal Grants	\$	1,155,203	\$	1,026,530	56668
TOTAL FED Federal Fund Group	\$	1,155,203	\$	1,026,530	56669
TOTAL ALL BUDGET FUND GROUPS	\$	204,201,201	\$	208,668,062	56670

**Section 317.20.** STATE CRIMINAL SENTENCING COMMISSION 56672

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 56673  
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LAW-RELATED EDUCATION 56677

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 56678  
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OHIO COURTS TECHNOLOGY INITIATIVE 56685

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training programs for judges and court personnel, and operation of the Commission on Technology and the Courts by the Supreme Court for the promulgation of statewide rules, policies, and uniform standards, and to aid in the orderly adoption and comprehensive 56686  
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use of technology in Ohio courts. 56698

ATTORNEY SERVICES 56699

The Attorney Registration Fund (Fund 4C80) shall consist of 56700  
money received by the Supreme Court (The Judiciary) pursuant to 56701  
the Rules for the Government of the Bar of Ohio. In addition to 56702  
funding other activities considered appropriate by the Supreme 56703  
Court, the foregoing appropriation item 005605, Attorney Services, 56704  
may be used to compensate employees and to fund appropriate 56705  
activities of the following offices established by the Supreme 56706  
Court: the Office of Disciplinary Counsel, the Board of 56707  
Commissioners on Grievances and Discipline, the Clients' Security 56708  
Fund, and the Attorney Services Division which include the Office 56709  
of Bar Admissions. If it is determined by the Administrative 56710  
Director of the Supreme Court that changes to the appropriation 56711  
are necessary, the amounts are hereby appropriated. 56712

No money in Fund 4C80 shall be transferred to any other fund 56713  
by the Director of Budget and Management or the Controlling Board. 56714  
Interest earned on money in Fund 4C80 shall be credited to the 56715  
fund. 56716

COURT INTERPRETER CERTIFICATION 56717

The Court Interpreter Certification Fund (Fund 5HT0) shall 56718  
consist of money received by the Supreme Court (The Judiciary) 56719  
pursuant to Rules 80 through 87 of the Rules of Superintendence 56720  
for the Courts of Ohio. The foregoing appropriation item 005617, 56721  
Court Interpreter Certification, shall be used to provide 56722  
training, to provide the written examination, and to pay language 56723  
experts to rate, or grade, the oral examinations of those applying 56724  
to become certified court interpreters. If it is determined by the 56725  
Administrative Director of the Supreme Court that changes to the 56726  
appropriation are necessary, the amounts are hereby appropriated. 56727

No money in Fund 5HT0 shall be transferred to any other fund 56728

by the Director of Budget and Management or the Controlling Board. 56729  
Interest earned on money in Fund 5HT0 shall be credited to the 56730  
fund. 56731

CIVIL JUSTICE GRANT PROGRAM 56732

The Civil Justice Program Fund (Fund 5SP0) shall consist of 56733  
(1) \$50 voluntary donations made as part of the biennium attorney 56734  
registration process and (2) \$150 increase in the pro hac vice 56735  
fees for out-of-state attorneys pursuant to Government of the Bar 56736  
Rule amendments. The foregoing appropriation item 005626, Civil 56737  
Justice Grant Program, shall be used by the Supreme Court of Ohio 56738  
for grants to not-for-profit organizations and agencies dedicated 56739  
to providing civil legal aid to underserved populations, to fund 56740  
innovative programs directed at this purpose, and to increase 56741  
access to judicial service to that population. If it is determined 56742  
by the Administrative Director of the Supreme Court that changes 56743  
to the appropriation are necessary, the amounts are hereby 56744  
appropriated. 56745

No money in Fund 5SP0 shall be transferred to any other fund 56746  
by the Director of Budget and Management or the Controlling Board. 56747  
Interest earned on money in Fund 5SP0 shall be credited to the 56748  
fund. 56749

GRANTS AND AWARDS 56750

The Grants and Awards Fund (Fund 5T80) shall consist of 56751  
grants and other money awarded to the Supreme Court (The 56752  
Judiciary) by the State Justice Institute, the Division of 56753  
Criminal Justice Services, or other entities. The foregoing 56754  
appropriation item 005609, Grants and Awards, shall be used in a 56755  
manner consistent with the purpose of the grant or award. If it is 56756  
determined by the Administrative Director of the Supreme Court 56757  
that changes to the appropriation are necessary, the amounts are 56758  
hereby appropriated. 56759

No money in Fund 5T80 shall be transferred to any other fund 56760  
by the Director of Budget and Management or the Controlling Board. 56761  
Interest earned on money in Fund 5T80 shall be credited or 56762  
transferred to the General Revenue Fund. 56763

JUDICIARY/SUPREME COURT EDUCATION 56764

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 56765  
consist of fees paid for attending judicial and public education 56766  
on the law, reimbursement of costs for judicial and public 56767  
education on the law, and other gifts and grants received for the 56768  
purpose of judicial and public education on the law. The foregoing 56769  
appropriation item 005601, Judiciary/Supreme Court Education, 56770  
shall be used to pay expenses for judicial education courses for 56771  
judges, court personnel, and those who serve the courts, and for 56772  
public education on the law. If it is determined by the 56773  
Administrative Director of the Supreme Court that changes to the 56774  
appropriation are necessary, the amounts are hereby appropriated. 56775

No money in Fund 6720 shall be transferred to any other fund 56776  
by the Director of Budget and Management or the Controlling Board. 56777  
Interest earned on money in Fund 6720 shall be credited to the 56778  
fund. 56779

COUNTY LAW LIBRARY RESOURCES BOARDS 56780

The Statewide Consortium of County Law Library Resources 56781  
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 56782  
to section 307.515 of the Revised Code into a county's law library 56783  
resources fund and forwarded by that county's treasurer for 56784  
deposit in the state treasury pursuant to division (E)(1) of 56785  
section 3375.481 of the Revised Code. The foregoing appropriation 56786  
item 005620, County Law Library Resources Boards, shall be used 56787  
for the operation of the Statewide Consortium of County Law 56788  
Library Resources Boards. If it is determined by the 56789  
Administrative Director of the Supreme Court that changes to the 56790

appropriation are necessary, the amounts are hereby appropriated. 56791

No money in Fund 5JY0 shall be transferred to any other fund 56792  
by the Director of Budget and Management or the Controlling Board. 56793  
Interest earned on money in Fund 5JY0 shall be credited to the 56794  
fund. 56795

FEDERAL GRANTS 56796

The Federal Grants Fund (Fund 3J00) shall consist of grants 56797  
and other moneys awarded to the Supreme Court (The Judiciary) by 56798  
the United States Government or other entities that receive the 56799  
moneys directly from the United States Government and distribute 56800  
those moneys to the Supreme Court (The Judiciary). The foregoing 56801  
appropriation item 005603, Federal Grants, shall be used in a 56802  
manner consistent with the purpose of the grant or award. If it is 56803  
determined by the Administrative Director of the Supreme Court 56804  
that changes to the appropriation are necessary, the amounts are 56805  
hereby appropriated. 56806

No money in Fund 3J00 shall be transferred to any other fund 56807  
by the Director of Budget and Management or the Controlling Board. 56808  
However, interest earned on money in Fund 3J00 shall be credited 56809  
or transferred to the General Revenue Fund. 56810

**Section 319.10.** LEC LAKE ERIE COMMISSION 56811

Dedicated Purpose Fund Group 56812

4C00 780601	Lake Erie Protection	\$	699,000	\$	699,000	56813
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6H20 780604	H2Ohio	\$	125,000	\$	125,000	56814
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TOTAL DPF Dedicated Purpose Fund		\$	824,000	\$	824,000	56815
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Group

Federal Fund Group 56816

3EP0 780603	LEC Federal Grants	\$	50,000	\$	50,000	56817
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TOTAL FED Federal Fund Group		\$	50,000	\$	50,000	56818
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TOTAL ALL BUDGET FUND GROUPS		\$	874,000	\$	874,000	56819
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CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 56820

On July 1 of each fiscal year, or as soon as possible 56821  
thereafter, the Director of Budget and Management may transfer 56822  
cash from the funds specified below, up to the amounts specified 56823  
below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may 56824  
accept contributions and transfers made to the fund. 56825

Fund	Fund Name	User	FY 2022	FY 2023	
5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000	56827
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000	56828
4700	General Operations	Department of Health	\$25,000	\$25,000	56829
1570	Program Support	Department of Natural Resources	\$25,000	\$25,000	56830

On July 1, 2021, or as soon as possible thereafter, the 56831  
Director of Budget and Management may transfer \$25,000 cash from a 56832  
fund used by the Development Services Agency, as specified by the 56833  
Director of Development Services, to Fund 4C00. 56834

On July 1, 2022, or as soon as possible thereafter, the 56835  
Director of Budget and Management may transfer \$25,000 cash from a 56836  
fund used by the Development Services Agency, as specified by the 56837  
Director of Development Services, to Fund 4C00. 56838

On July 1, 2021, or as soon as possible thereafter, the 56839  
Director of Budget and Management may transfer \$25,000 cash from a 56840  
fund used by the Department of Transportation, as specified by the 56841  
Director of Transportation, to Fund 4C00. 56842

On July 1, 2022, or as soon as possible thereafter, the 56843  
Director of Budget and Management may transfer \$25,000 cash from a 56844  
fund used by the Department of Transportation, as specified by the 56845  
Director of Transportation, to Fund 4C00. 56846

H2OHIO FUND 56847

On July 1, 2022, or as soon as possible thereafter, the 56848  
 Director of the Lake Erie Commission may certify to the Director 56849  
 of Budget and Management an amount up to the unexpended, 56850  
 unencumbered balance of the foregoing appropriation item, 780604, 56851  
 H2Ohio, at the end of fiscal year 2022 to be reappropriated in 56852  
 fiscal year 2023. The amount certified is hereby reappropriated to 56853  
 the same appropriation item for fiscal year 2023. 56854

**Section 321.10.** JLE JOINT LEGISLATIVE ETHICS COMMITTEE 56855

General Revenue Fund 56856

GRF 028321	Legislative Ethics	\$	625,000	\$	625,000	56857
	Committee					

TOTAL GRF General Revenue Fund	\$	625,000	\$	625,000	56858
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Dedicated Purpose Fund Group 56859

4G70 028601	Joint Legislative	\$	150,000	\$	150,000	56860
	Ethics Committee					

5HN0 028602	Investigations and	\$	10,000	\$	10,000	56861
	Financial Disclosure					

TOTAL DPF Dedicated Purpose Fund	\$	160,000	\$	160,000	56862
Group					

TOTAL ALL BUDGET FUND GROUPS	\$	785,000	\$	785,000	56863
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LEGISLATIVE ETHICS COMMITTEE 56864

On July 1, 2021, or as soon as possible thereafter, the 56865  
 Legislative Inspector General of the Joint Legislative Ethics 56866  
 Committee may certify to the Director of Budget and Management an 56867  
 amount up to the unexpended, unencumbered balance of the foregoing 56868  
 appropriation item 028321, Legislative Ethics Committee, at the 56869  
 end of fiscal year 2021 to be reappropriated to fiscal year 2022. 56870  
 The amount certified is hereby reappropriated to the same 56871  
 appropriation item for fiscal year 2022. 56872

On July 1, 2022, or as soon as possible thereafter, the 56873  
 Legislative Inspector General of the Joint Legislative Ethics 56874  
 Committee may certify to the Director of Budget and Management an 56875  
 amount up to the unexpended, unencumbered balance of the foregoing 56876  
 appropriation item 028321, Legislative Ethics Committee, at the 56877  
 end of fiscal year 2022 to be reappropriated to fiscal year 2023. 56878  
 The amount certified is hereby reappropriated to the same 56879  
 appropriation item for fiscal year 2023. 56880

**Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION 56881**

General Revenue Fund 56882

GRF 035321 Operating Expenses \$ 21,362,380 \$ 21,362,380 56883

GRF 035402 Legislative Fellows \$ 1,080,000 \$ 1,080,000 56884

GRF 035405 Correctional \$ 447,020 \$ 447,020 56885

Institution Inspection  
 Committee

GRF 035407 Legislative Task Force \$ 1,000,000 \$ 0 56886

on Redistricting

GRF 035409 National Associations \$ 600,000 \$ 600,000 56887

GRF 035410 Legislative \$ 11,033,890 \$ 11,033,890 56888

Information Systems

GRF 035501 Litigation \$ 1,000,000 \$ 1,000,000 56889

TOTAL GRF General Revenue Fund \$ 36,523,290 \$ 35,523,290 56890

Dedicated Purpose Fund Group 56891

4100 035601 Sale of Publications \$ 10,000 \$ 10,000 56892

TOTAL DPF Dedicated Purpose Fund \$ 10,000 \$ 10,000 56893

Group

TOTAL ALL BUDGET FUND GROUPS \$ 36,533,290 \$ 35,533,290 56894

**Section 323.20. OPERATING EXPENSES 56896**

On July 1, 2021, or as soon as possible thereafter, the 56897

Director of the Legislative Service Commission may certify to the 56898

Director of Budget and Management an amount up to the unexpended, 56899  
unencumbered balance of the foregoing appropriation item 035321, 56900  
Operating Expenses, at the end of fiscal year 2021 to be 56901  
reappropriated to fiscal year 2022. The amount certified is hereby 56902  
reappropriated to the same appropriation item for fiscal year 56903  
2022. 56904

On July 1, 2022, or as soon as possible thereafter, the 56905  
Director of the Legislative Service Commission may certify to the 56906  
Director of Budget and Management an amount up to the unexpended, 56907  
unencumbered balance of the foregoing appropriation item 035321, 56908  
Operating Expenses, at the end of fiscal year 2022 to be 56909  
reappropriated to fiscal year 2023. The amount certified is hereby 56910  
reappropriated to the same appropriation item for fiscal year 56911  
2023. 56912

LEGISLATIVE TASK FORCE ON REDISTRICTING 56913

An amount equal to the unexpended, unencumbered balance of 56914  
the foregoing appropriation item 035407, Legislative Task Force on 56915  
Redistricting, at the end of fiscal year 2021 is hereby 56916  
reappropriated to the Legislative Service Commission for the same 56917  
purpose for fiscal year 2022. 56918

An amount equal to the unexpended, unencumbered balance of 56919  
the foregoing appropriation item 035407, Legislative Task Force on 56920  
Redistricting, at the end of fiscal year 2022 is hereby 56921  
reappropriated to the Legislative Service Commission for the same 56922  
purpose for fiscal year 2023. 56923

LEGISLATIVE INFORMATION SYSTEMS 56924

On July 1, 2021, or as soon as possible thereafter, the 56925  
Director of the Legislative Service Commission may certify to the 56926  
Director of Budget and Management an amount up to the unexpended, 56927  
unencumbered balance of the foregoing appropriation item 035410, 56928  
Legislative Information Systems, at the end of fiscal year 2021 to 56929

be reappropriated to fiscal year 2022. The amount certified is 56930  
hereby reappropriated to the same appropriation item for fiscal 56931  
year 2022. 56932

On July 1, 2022, or as soon as possible thereafter, the 56933  
Director of the Legislative Service Commission may certify to the 56934  
Director of Budget and Management an amount up to the unexpended, 56935  
unencumbered balance of the foregoing appropriation item 035410, 56936  
Legislative Information Systems, at the end of fiscal year 2022 to 56937  
be reappropriated to fiscal year 2023. The amount certified is 56938  
hereby reappropriated to the same appropriation item for fiscal 56939  
year 2023. 56940

LITIGATION 56941

The foregoing appropriation item 035501, Litigation, shall be 56942  
used for any lawsuit in which the General Assembly is a party 56943  
because a legal or constitutional challenge is made against the 56944  
Ohio Constitution or an act of the General Assembly. The 56945  
chairperson and vice-chairperson of the Legislative Service 56946  
Commission shall both approve the use of the appropriated moneys. 56947

An amount equal to the unexpended, unencumbered balance of 56948  
the foregoing appropriation item 035501, Litigation, at the end of 56949  
fiscal year 2021 is hereby reappropriated to the Legislative 56950  
Service Commission for the same purpose for fiscal year 2022. 56951

An amount equal to the unexpended, unencumbered balance of 56952  
the foregoing appropriation item 035501, Litigation, at the end of 56953  
fiscal year 2022 is hereby reappropriated to the Legislative 56954  
Service Commission for the same purpose for fiscal year 2023. 56955

**Section 325.10.** LIB STATE LIBRARY BOARD 56956

General Revenue Fund 56957

GRF 350321 Operating Expenses \$ 4,293,122 \$ 4,293,122 56958

GRF 350401 Ohioana Library \$ 305,000 \$ 305,000 56959

		Association				
GRF	350502	Regional Library	\$	480,000	\$	480,000 56960
		Systems				
TOTAL GRF		General Revenue Fund	\$	5,078,122	\$	5,078,122 56961
		Dedicated Purpose Fund Group				56962
4590	350603	Services for	\$	4,252,887	\$	4,252,887 56963
		Libraries				
4S40	350604	Ohio Public Library	\$	5,696,898	\$	5,698,898 56964
		Information Network				
5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194 56965
TOTAL DPF		Dedicated Purpose Fund	\$	11,223,979	\$	11,225,979 56966
		Group				
		Internal Service Activity Fund				56967
1390	350602	Services for State	\$	8,000	\$	8,000 56968
		Agencies				
TOTAL ISA		Internal Service Activity	\$	8,000	\$	8,000 56969
		Fund Group				
		Federal Fund Group				56970
3130	350601	LSTA Federal	\$	5,366,565	\$	5,366,565 56971
TOTAL FED		Federal Fund Group	\$	5,366,565	\$	5,366,565 56972
TOTAL ALL BUDGET FUND GROUPS			\$	21,676,666	\$	21,678,666 56973

**Section 325.20. OHIOANA LIBRARY ASSOCIATION** 56975

Of the foregoing appropriation item 350401, Ohioana Library Association, \$180,000 in each fiscal year shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 56976  
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The remainder of the foregoing appropriation item 350401, Ohioana Library Association, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 56980  
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REGIONAL LIBRARY SYSTEMS	56984
The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code.	56985 56986 56987 56988
OHIO PUBLIC LIBRARY INFORMATION NETWORK	56989
(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN).	56990 56991 56992 56993 56994
The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network.	56995 56996 56997 56998
(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.	56999 57000 57001 57002 57003 57004 57005 57006 57007 57008 57009
(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.	57010 57011 57012 57013 57014

LIBRARY FOR THE BLIND	57015
The foregoing appropriation item 350605, Library for the Blind, shall be used for the statewide Talking Book Program to assist the blind and disabled.	57016 57017 57018
TRANSFER TO OPLIN TECHNOLOGY FUND	57019
Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$3,689,788 cash in each fiscal year from the Public Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 4S40).	57020 57021 57022 57023 57024 57025
TRANSFER TO LIBRARY FOR THE BLIND FUND	57026
Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0).	57027 57028 57029 57030 57031 57032
<b>Section 327.10. LCO LIQUOR CONTROL COMMISSION</b>	57033
Dedicated Purpose Fund Group	57034
5LP0 970601 Commission Operating	\$ 944,885 \$ 947,645 57035
Expenses	
TOTAL DPF Dedicated Purpose Fund Group	\$ 944,885 \$ 947,645 57036
TOTAL ALL BUDGET FUND GROUPS	\$ 944,885 \$ 947,645 57037
<b>Section 329.10. LOT STATE LOTTERY COMMISSION</b>	57039
State Lottery Fund Group	57040
7044 950321 Operating Expenses	\$ 57,344,482 \$ 58,581,656 57041
7044 950402 Advertising Contracts	\$ 27,925,000 \$ 27,925,000 57042

7044	950403	Gaming Contracts	\$	84,082,171	\$	90,357,570	57043
7044	950601	Direct Prize Payments	\$	158,700,369	\$	162,809,344	57044
7044	950605	Problem Gambling	\$	4,000,000	\$	4,000,000	57045
8710	950602	Annuity Prizes	\$	56,311,050	\$	58,328,775	57046
TOTAL	SLF	State Lottery Fund Group	\$	388,363,072	\$	402,002,345	57047
TOTAL	ALL	BUDGET FUND GROUPS	\$	388,363,072	\$	402,002,345	57048

OPERATING EXPENSES 57049

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated. 57050  
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DIRECT PRIZE PAYMENTS 57057

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated. 57058  
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ANNUITY PRIZES 57062

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances. 57063  
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Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest are hereby appropriated. 57070  
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TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND				57074
Estimated transfers from the State Lottery Fund (Fund 7044)				57075
to the Lottery Profits Education Fund (Fund 7017) are to be				57076
\$1,234,000,000 in fiscal year 2022 and \$1,263,000,000 in fiscal				57077
year 2023. Transfers by the Director of Budget and Management to				57078
the Lottery Profits Education Fund shall be administered as the				57079
statutes direct.				57080
<b>Section 333.10. MCD DEPARTMENT OF MEDICAID</b>				57081
General Revenue Fund				57082
GRF 651425	Medicaid Program	\$ 174,630,600	\$ 175,966,900	57083
	Support - State			
GRF 651525	Medicaid Health Care	\$ 3,950,523,443	\$ 5,433,990,300	57084
	Services-State			
	Medicaid Health Care	\$ 11,077,065,295	\$ 13,343,598,809	57085
	Services-Federal			
	Medicaid Health Care	\$ 15,027,588,738	\$ 18,777,589,109	57086
	Services - Total			
GRF 651526	Medicare Part D	\$ 489,144,862	\$ 566,626,746	57087
TOTAL GRF General Revenue Fund				57088
	State	\$ 4,614,298,905	\$ 6,176,583,946	57089
	Federal	\$ 11,077,065,295	\$ 13,343,598,809	57090
	GRF Total	\$ 15,691,364,200	\$ 19,520,182,755	57091
Dedicated Purpose Fund Group				57092
4E30 651605	Resident Protection	\$ 7,000,000	\$ 7,000,000	57093
	Fund			
5AN0 651686	Care Innovation and	\$ 85,621,440	\$ 85,452,765	57094
	Community Improvement			
	Program			
5DL0 651639	Medicaid Services -	\$ 547,500,000	\$ 605,000,000	57095
	Recoveries			
5DL0 651685	Medicaid Recoveries -	\$ 98,332,700	\$ 80,747,100	57096

		Program Support				
5DL0	651690	Multi-system Youth Custody Relinquishment	\$	16,000,000	\$	16,000,000 57097
5FX0	651638	Medicaid Services - Payment Withholding	\$	12,000,000	\$	12,000,000 57098
5GF0	651656	Medicaid Services - Hospital Franchise Fee	\$	932,000,000	\$	971,000,000 57099
5R20	651608	Medicaid Services - Long Term	\$	415,000,000	\$	415,000,000 57100
5SA4	651689	Medicaid Health & Human Services	\$	900,000,000	\$	300,000,000 57101
5TN0	651684	Medicaid Services - HIC Fee	\$	1,013,000,000	\$	966,000,000 57102
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$	158,392,748	\$	102,289,260 57103
TOTAL DPF		Dedicated Purpose Fund Group	\$	4,184,846,888	\$	3,560,489,125 57104
		Holding Account Fund Group				57105
R055	651644	Refunds and Reconciliation	\$	1,000,000	\$	1,000,000 57106
TOTAL HLD		Holding Account Fund Group	\$	1,000,000	\$	1,000,000 57107
		Federal Fund Group				57108
3ER0	651603	Medicaid and Health Transformation Technology	\$	10,083,900	\$	9,660,200 57109
3F00	651623	Medicaid Services - Federal	\$	10,639,171,307	\$	8,122,425,803 57110
3F00	651624	Medicaid Program	\$	543,733,300	\$	509,264,400 57111

	Support - Federal				
3FA0 651680	Health Care Grants -	\$ 3,000,000	\$ 3,000,000		57112
	Federal				
3G50 651655	Medicaid Interagency	\$ 241,692,200	\$ 241,692,200		57113
	Pass Through				
TOTAL FED	Federal Fund Group	\$11,437,680,707	\$ 8,886,042,603		57114
TOTAL ALL BUDGET	FUND GROUPS	\$31,314,891,795	\$31,967,714,483		57115

**Section 333.20. MEDICAID HEALTH CARE SERVICES** 57117

The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code. 57118  
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**Section 333.30. LEAD ABATEMENT AND RELATED ACTIVITIES** 57121

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer state share appropriations from appropriation item 651525, Medicaid Health Care Services, to appropriation items in other state agencies for the purpose of lead abatement and related activities. If such a transfer occurs, the Director of Budget and Management may adjust, using the federal reimbursement rate, the federal share of appropriation item 651525, Medicaid Health Care Services, accordingly. The Director of Medicaid may transfer federal funds as the state's single state agency for Medicaid reimbursements, as drawn for these transactions. Amounts transferred are hereby appropriated. 57122  
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**Section 333.40. HOSPITAL FRANCHISE FEE PROGRAM** 57133

The Director of Budget and Management may authorize additional expenditures from appropriation item 651623, Medicaid Services - Federal, appropriation item 651525, Medicaid Health Care Services, and appropriation item 651656, Medicaid Services - Hospital Franchise Fee, in order to implement the programs authorized by sections 5168.20 through 5168.28 of the Revised 57134  
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Code. Any amounts authorized are hereby appropriated. 57140

**Section 333.45.** HOSPITAL FRANCHISE FEE ADDITIONAL 57141  
APPROPRIATIONS 57142

If the Medicaid Director determines that, due to the impact 57143  
of the COVID-19 public health emergency, additional appropriations 57144  
are necessary in appropriation items 651656, Medicaid Services - 57145  
Hospital Franchise Fee and 651623, Medicaid Services - Federal, 57146  
the Medicaid Director may request the Director of Budget and 57147  
Management to authorize expenditures from these items in excess of 57148  
the amount appropriated. Upon such a request, the Director of 57149  
Budget and Management may authorize excess expenditures by up to 57150  
\$400,000,000 in appropriation item 651656, Medicaid Services - 57151  
Hospital Franchise Fee, and up to \$1,000,000,000 in appropriation 57152  
item 651623, Medicaid Services - Federal, in each fiscal year. 57153  
Excess expenditures authorized by the Director of Budget and 57154  
Management are hereby appropriated. 57155

**Section 333.50.** MEDICARE PART D 57156

The foregoing appropriation item 651526, Medicare Part D, may 57157  
be used by the Department of Medicaid for the implementation and 57158  
operation of the Medicare Part D requirements contained in the 57159  
"Medicare Prescription Drug, Improvement, and Modernization Act of 57160  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 57161  
Medicaid Director, the Director of Budget and Management may 57162  
transfer the state share of appropriations between appropriation 57163  
item 651525, Medicaid Health Care Services, and appropriation item 57164  
651526, Medicare Part D. If the state share of appropriation item 57165  
651525, Medicaid Health Care Services, is adjusted, the Director 57166  
of Budget and Management shall adjust the federal share 57167  
accordingly. The Department of Medicaid shall provide notification 57168  
to the Controlling Board of any transfers at the next scheduled 57169

Controlling Board meeting. 57170

**Section 333.60.** CARE INNOVATION AND COMMUNITY IMPROVEMENT 57171  
PROGRAM 57172

If the amount of the foregoing appropriation item 651686, 57173  
Care Innovation and Community Improvement Program, and the 57174  
corresponding federal financial participation in appropriation 57175  
item 651623, Medicaid Services - Federal, are inadequate to make 57176  
the supplemental payments, the Medicaid Director may request that 57177  
the Director of Budget and Management authorize additional 57178  
expenditures from the Care Innovation and Community Improvement 57179  
Program Fund (Fund 5AN0) and the Health Care - Federal Fund (Fund 57180  
3F00) as needed to make the supplemental payments. If the Director 57181  
of Budget and Management authorizes the additional expenditures, 57182  
the additional amounts are hereby appropriated. 57183

**Section 333.70.** DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT 57184  
AND RECOVERIES FUND 57185

Of the amount received by the Department of Medicaid during 57186  
fiscal year 2022 and fiscal year 2023 from the first installment 57187  
of assessments paid under section 5168.06 of the Revised Code and 57188  
intergovernmental transfers made under section 5168.07 of the 57189  
Revised Code, the Medicaid Director shall deposit \$2,500,000 cash 57190  
in each fiscal year into the state treasury to the credit of the 57191  
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). 57192

**Section 333.80.** HEALTH CARE/MEDICAID SUPPORT AND RECOVERIES 57193  
FUND EXPENDITURES 57194

If receipts credited to the Health Care/Medicaid Support and 57195  
Recoveries Fund (Fund 5DL0) exceed the amounts appropriated from 57196  
the fund, the Medicaid Director may request the Director of Budget 57197  
and Management to authorize expenditures from the fund in excess 57198

of the amounts appropriated. If any additional amounts are 57199  
authorized, the Director of Budget and Management shall adjust, 57200  
using the federal reimbursement rate, the federal appropriation 57201  
item identified by the Medicaid Director accordingly. Any 57202  
authorized amounts and any corresponding federal adjustments are 57203  
hereby appropriated. 57204

**Section 333.90.** CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 57205  
SUPPORT AND RECOVERIES FUND TO THE STATEWIDE PREVENTION AND 57206  
TREATMENT FUND 57207

Upon the request of the Medicaid Director, the Director of 57208  
Budget and Management may transfer up to \$2,000,000 cash in each 57209  
fiscal year from the Health Care/Medicaid Support and Recoveries 57210  
Fund (Fund 5DL0) to the Statewide Prevention and Treatment Fund 57211  
(Fund 4750), used by the Department of Mental Health and Addiction 57212  
Services. Any transferred funds shall be used to support Centers 57213  
of Excellence and related activities. Any transferred amounts are 57214  
hereby appropriated. 57215

**Section 333.100.** HEALTH INSURING CORPORATION CLASS FRANCHISE 57216  
FEE 57217

If receipts credited to the Health Insuring Corporation Class 57218  
Franchise Fee Fund (Fund 5TN0) exceed the amounts appropriated 57219  
from the fund, the Medicaid Director may request the Director of 57220  
Budget and Management to authorize expenditures from the fund in 57221  
excess of the amounts appropriated. If any additional amounts are 57222  
authorized, the Director of Budget and Management shall adjust, 57223  
using the federal reimbursement rate, the federal appropriation 57224  
item identified by the Medicaid Director accordingly. Any 57225  
authorized amounts and any corresponding federal adjustments are 57226  
hereby appropriated. 57227

**Section 333.110.** HOSPITAL CARE ASSURANCE MATCH 57228

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

The foregoing appropriation item 651649, Medicaid Services - Health Care Assurance Program, shall be used by the Department of Medicaid for distributing the state share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code. If receipts credited to the Hospital Care Assurance Program Fund (Fund 6510) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 333.120. REFUNDS AND RECONCILIATION FUND** 57248

If receipts credited to the Refunds and Reconciliation Fund (Fund R055) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 333.130. MEDICAID INTERAGENCY PASS-THROUGH** 57255

The Medicaid Director may request the Director of Budget and Management to authorize expenditures from appropriation item 651655, Medicaid Interagency Pass-Through in excess of amounts

appropriated. Upon the approval of the Director of Budget and Management, any excess amounts are hereby appropriated.

**Section 333.140. NON-EMERGENCY MEDICAL TRANSPORTATION**

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support - Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

**Section 333.150. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION AND LOCAL PROGRAM SUPPORT**

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$5,000,000 of state share appropriations in each fiscal year between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support -

Local, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

The Medicaid Director shall establish criteria for distributing these funds and for county departments of job and family services to submit allowable expenses.

County departments of job and family services shall comply with new roles, processes, and responsibilities related to the new eligibility determination system. County departments of job and family services shall report to the Ohio Department of Job and Family Services and the Ohio Department of Medicaid, on a schedule determined by the Medicaid Director, how the funds were used.

**Section 333.160. MEDICAID PAYMENT RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES**

(A) As used in this section:

(1) "Community behavioral health services" has the same meaning as in section 5164.01 of the Revised Code.

(2) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(3) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section

5124.01 of the Revised Code.	57319
(4) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.	57320 57321
(B) Subject to division (C) of this section, the Department of Medicaid may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2022 and fiscal year 2023 that exceed the authorized rates paid for the services under the Medicare program.	57322 57323 57324 57325 57326
(C) This section does not apply to community behavioral health services provided by any of the following:	57327 57328
(1) Hospitals on an inpatient basis;	57329
(2) Nursing facilities;	57330
(3) Intermediate care facilities for individuals with intellectual disabilities.	57331 57332
<b>Section 333.170. AREA AGENCIES ON AGING AND MEDICAID MANAGED CARE</b>	57333 57334
(A) As used in this section:	57335
(1) "Care management system" means the system established under section 5167.03 of the Revised Code.	57336 57337
(2) "Dual eligible individuals" has the same meaning as in section 5160.01 of the Revised Code.	57338 57339
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	57340 57341
(4) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	57342 57343
(B) If the Department of Medicaid expands the inclusion of the aged, blind, and disabled Medicaid eligibility group or dual eligible individuals in the care management system during the FY	57344 57345 57346

2022 - FY 2023 fiscal biennium, the Department shall do both of 57347  
the following for the remainder of the fiscal biennium: 57348

(1) Require area agencies on aging to be the coordinators of 57349  
home and community-based services available under Medicaid waiver 57350  
components that those individuals and that eligibility group 57351  
receive and permit Medicaid managed care organizations to delegate 57352  
to the agencies full-care coordination functions for those 57353  
services and other health-care services those individuals and that 57354  
eligibility group receive; 57355

(2) In selecting managed care organizations with which to 57356  
contract under section 5167.10 of the Revised Code, give 57357  
preference to those organizations that will enter into 57358  
subcapitation arrangements with area agencies on aging under which 57359  
the agencies are to perform, in addition to other functions, 57360  
network management and payment functions for home and 57361  
community-based services available under Medicaid waiver 57362  
components that those individuals and that eligibility group 57363  
receive. 57364

**Section 333.180. WORK COMMUNITY ENGAGEMENT PROGRAM -** 57365  
**OHIOMEANSJOBS COSTS** 57366

Upon the request of the Medicaid Director, the Director of 57367  
Budget and Management may transfer state share appropriations in 57368  
each fiscal year between appropriation item 651685, Medicaid 57369  
Recoveries - Program Support, within the Department of Medicaid, 57370  
and 655425, Medicaid Program Support, within the Department of Job 57371  
and Family Services. If such a transfer occurs, the Director of 57372  
Budget and Management shall adjust, using the federal 57373  
reimbursement rate, the federal share appropriations of 57374  
appropriation item 651624, Medicaid Program Support - Federal, 57375  
within the Department of Medicaid, and appropriation item 655624, 57376  
Medicaid Program Support - Federal, within the Department of Job 57377

and Family Services. Any transfer of funds shall be provided to 57378  
the Department of Job and Family Services and shall only be used 57379  
for costs related to transitioning to a new work community 57380  
engagement program for the Medicaid program as prescribed by the 57381  
Medicaid Director. 57382

**Section 333.190. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 57383**  
COSTS 57384

Upon the request of the Medicaid Director, the Director of 57385  
Budget and Management may transfer state share appropriations in 57386  
each fiscal year between appropriation item 651525, Medicaid 57387  
Health Care Services, within the Department of Medicaid, and 57388  
655522, Medicaid Program Support - Local, within the Department of 57389  
Job and Family Services. If such a transfer occurs, the Director 57390  
of Budget and Management shall adjust, using the federal 57391  
reimbursement rate, the federal share appropriations of 57392  
appropriation item 651525, Medicaid Health Care Services, within 57393  
the Department of Medicaid, and appropriation item 655624, 57394  
Medicaid Program Support - Federal, within the Department of Job 57395  
and Family Services. Any increase in funding shall be provided to 57396  
county departments of job and family services and shall only be 57397  
used for costs related to transitioning to a new work community 57398  
engagement program under the Medicaid program as prescribed by the 57399  
Medicaid Director. These funds shall not be used for existing and 57400  
ongoing operating expenses. The Medicaid Director shall establish 57401  
criteria for distributing these funds and for county departments 57402  
of job and family services to submit allowable expenses. 57403

**Section 333.200. MANAGED CARE CLAIMS FUND 57404**

There is hereby created in the state treasury the Managed 57405  
Care Claims Fund. The fund shall consist of money that Medicaid 57406  
managed care organizations pay to the Department of Medicaid in 57407

order for the Department to be able to make payments to providers 57408  
under the care management system that the organizations are unable 57409  
to make due to systems issues. Money in the fund shall be used to 57410  
make such payments. 57411

The Medicaid Director may request the Director of Budget and 57412  
Management to authorize expenditures from the Managed Care Claims 57413  
Fund and the corresponding federal share from the Health Care 57414  
Federal Fund (Fund 3F00). Upon the approval of the Director of 57415  
Budget and Management, the amounts requested are hereby 57416  
appropriated. 57417

**Section 333.210. VOLUNTARY MEDICAID COMMUNITY ENGAGEMENT** 57418  
PROGRAM 57419

(A) As used in this section: 57420

(1) "Expansion eligibility group" has the same meaning as in 57421  
section 5163.01 of the Revised Code. 57422

(2) "Medicaid assistance recipient" has the same meaning as 57423  
in section 5160.01 of the Revised Code. 57424

(B) As a result of the COVID-19 public health emergency, 57425  
which created impediments to implementing the work and community 57426  
engagement waiver component under section 5166.37 of the Revised 57427  
Code requiring individuals to meet at least one of the enumerated 57428  
requirements as a condition to enrolling in Medicaid as part of 57429  
the expansion eligibility group, the Medicaid Director shall 57430  
establish and implement a voluntary community engagement program 57431  
in accordance with this section not later than January 1, 2022. 57432

(C) The community engagement program shall be available to 57433  
all medical assistance recipients. Participation in the program 57434  
shall be voluntary. 57435

(D) The community engagement program shall do all of the 57436  
following: 57437

(1) Encourage medical assistance recipients to work who are of working age and able-bodied;	57438 57439
(2) Promote to medical assistance recipients the economic stability, financial independence, and improved health outcomes from work;	57440 57441 57442
(3) Provide information to medical assistance recipients about the services available under the community engagement program, including an explanation of the importance of work to overall physical and mental health.	57443 57444 57445 57446
(E) The community engagement program shall continue through the FY 2022 - FY 2023 fiscal biennium or until Ohio is able to implement the waiver component under section 5166.37 of the Revised Code, whichever is sooner, at which point it will cease to exist.	57447 57448 57449 57450 57451
(F) As part of the community engagement program, the Medicaid Director shall explore partnerships with education and training providers to increase training opportunities for Medicaid recipients.	57452 57453 57454 57455
<b>Section 333.220. NURSING FACILITY QUALITY IMPROVEMENT PAYMENTS</b>	57456 57457
(A) As used in this section:	57458
(1) "Base rate" means the portion of a nursing facility's total per Medicaid day payment rate determined under divisions (A), (B), and (C) of section 5165.15 of the Revised Code.	57459 57460 57461
(2) "CMS" means the United States Centers for Medicare and Medicaid services.	57462 57463
(3) "Home office" means the centralized office location where a nursing facility's management and key staff operate and oversee overall business activities.	57464 57465 57466

(4) "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days.	57467 57468
(5) "Nursing facility" has the same meaning as in the "Social Security Act," section 1919(a), 42 U.S.C. 1396r(a).	57469 57470
(6) "Nursing facilities for which a quality score was determined" includes nursing facilities that are determined to have a quality score of zero.	57471 57472 57473
(B) Nursing facilities may receive a per Medicaid day quality incentive payment added to their per Medicaid day payment rate as provided herein.	57474 57475 57476
(C) Subject to division (E) of this section and except as provided in divisions (F) and (G) of this section, the Department of Medicaid shall determine each nursing facility's per Medicaid day quality incentive payment rate for state fiscal year 2022 as follows:	57477 57478 57479 57480 57481
(1) Determine the sum of the quality scores determined under division (D) of this section for all nursing facilities.	57482 57483
(2) Determine the average quality score by dividing the sum determined under division (C)(1) of this section by the number of nursing facilities for which a quality score was determined.	57484 57485 57486
(3) Determine the sum of the total number of Medicaid days for all of the calendar year preceding the fiscal year for which the rate is determined for all nursing facilities for which a quality score was determined.	57487 57488 57489 57490
(4) Multiply the average quality score determined under division (C)(2) of this section by the sum determined under division (C)(3) of this section.	57491 57492 57493
(5) Determine the value per quality point by determining the quotient of the following:	57494 57495
(a) The sum determined under division (E)(3) of this section.	57496

(b) The product determined under division (C)(4) of this section. 57497  
57498

(6) Multiply the value per quality point determined under division (C)(5) of this section by the nursing facility's quality score determined under division (D) of this section. 57499  
57500  
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(D)(1) Except as provided in division (D)(2) of this section, a nursing facility's quality score for state fiscal year 2022 shall be the sum of the total number of points that CMS assigned to the nursing facility, including a nursing facility that underwent a change of operator, under CMS's nursing facility five-star quality rating system for the following quality metrics based on the most recent four-quarter average data available in the database maintained by CMS and known as nursing home compare in May of the calendar year during which the fiscal year for which the rate is determined begins: 57502  
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(a) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers; 57512  
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(b) The percentage of the nursing facility's long-stay residents who had a urinary tract infection; 57515  
57516

(c) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened; 57517  
57518

(d) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder. 57519  
57520

(2) In determining a nursing facility's quality score for state fiscal year 2022, the Department shall make the following adjustment to the number of points that CMS assigned to the nursing facility, including a nursing facility that underwent a change of operator, for each of the quality metrics specified in division (D)(1) of this section: 57521  
57522  
57523  
57524  
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(a) Unless division (D)(2)(b) of this section applies, divide 57527  
the number of the nursing facility's points for the quality metric 57528  
by twenty. 57529

(b) If CMS assigned the nursing facility to the lowest 57530  
percentile for the quality metric, reduce the number of the 57531  
nursing facility's points for the quality metric to zero. 57532

(c) If the nursing facility's total number of points for 57533  
state fiscal year 2022 for all of the quality metrics specified in 57534  
division (D)(1) of this section is less than a number of points 57535  
that is equal to the thirty-third percentile of all nursing 57536  
facilities, reduce the nursing facility's total points to zero. 57537

(E) The total amount to be spent on quality incentive 57538  
payments under division (C) of this section for state fiscal year 57539  
2022 shall be determined as follows: 57540

(1) Determine the following amount for each nursing facility: 57541

(a) The amount that is five and two-tenths per cent of the 57542  
nursing facility's base rate for nursing facility services 57543  
provided on the first day of the state fiscal year plus one dollar 57544  
and seventy-nine cents; 57545

(b) Multiply the amount determined under division (E)(1)(a) 57546  
of this section by the number of the nursing facility's Medicaid 57547  
days for the calendar year preceding the fiscal year for which the 57548  
rate is determined. 57549

(2) Determine the sum of the products determined under 57550  
division (E)(1)(b) of this section for all nursing facilities for 57551  
which the product was determined for the state fiscal year. 57552

(3) To the sum determined under division (E)(2) of this 57553  
section, add \$50,000,000. 57554

(F) If a nursing facility undergoes a change of operator 57555  
during state fiscal year 2022, the per Medicaid day quality 57556

incentive payment rate to be paid to the entering operator for 57557  
nursing facility services that the nursing facility provides 57558  
during the period beginning on the effective date of the change of 57559  
operator and ending on the last day of the state fiscal year shall 57560  
be the same amount as the per Medicaid day quality incentive 57561  
payment rate that was in effect on the day immediately preceding 57562  
the effective date of the change of operator and paid to the 57563  
nursing facility's exiting operator. 57564

(G)(1) Divisions (B), (C), (D), (E), and (F) of this section 57565  
apply to state fiscal year 2022, or until implementation of the 57566  
quality improvement standards required in division (H) of this 57567  
section, if those standards are implemented during state fiscal 57568  
year 2022. After state fiscal year 2022 or the implementation of 57569  
quality improvement standards under division (H) of this section, 57570  
whichever is sooner, divisions (B), (C), (D), (E), and (F) of this 57571  
section shall have no effect. 57572

(2) After the expiration of division (B), (C), (D), (E), or 57573  
(F) of this section as set forth in division (G)(1) of this 57574  
section, no quality improvement payments shall be made under 57575  
division (H) of this section until implementation of the quality 57576  
improvement standards required by that division. 57577

(H) Not later than January 1, 2022, the Department of 57578  
Medicaid, in consultation with the Department of Aging and the 57579  
Department of Health, shall jointly develop quality improvement 57580  
standards that apply to nursing facilities. The quality 57581  
improvement standards shall be used to determine a quality 57582  
improvement payment to be made to qualifying nursing facilities. 57583  
The departments shall include stakeholder input as part of the 57584  
process of developing the standards. 57585

(I) In addition to the quality improvement standards 57586  
developed pursuant to division (H) of this section, to be eligible 57587  
for a quality improvement payment under division (H) of this 57588

section, a nursing facility shall have a home office located in 57589  
this state and have key program staff who are residents of this 57590  
state and are based and working in this state. Each key program 57591  
staff person may occupy no more than one of the positions listed 57592  
in division (J) of this section, unless the nursing facility 57593  
receives prior written approval from the Department of Medicaid. 57594

(J) Key program staff include all of the following: 57595

(1) An administrator who shall serve forty hours a week 57596  
during regular business hours to fulfill the responsibilities of 57597  
the position and to oversee the entire operation of the nursing 57598  
facility. The administrator shall devote sufficient time to 57599  
nursing facility operations to ensure adherence to program 57600  
requirements and timely responses to the Department of Medicaid. 57601

(2) A medical director who is a physician holding a current, 57602  
unencumbered license to practice medicine and surgery or 57603  
osteopathic medicine and surgery issued under Chapter 4731. of the 57604  
Revised Code. The medical director shall have at least three years 57605  
of training in a medical specialty. The medical director shall 57606  
devote at least thirty-two hours a week to the nursing facility's 57607  
operations to ensure timely medical decisions, including 57608  
after-hours consultation as needed. The medical director shall be 57609  
actively involved in all major clinical and quality management 57610  
components of the nursing facility. 57611

(3) A director of nursing who is a registered nurse holding a 57612  
current, unencumbered license issued under Chapter 4723. of the 57613  
Revised Code. The nursing director shall serve forty hours a week 57614  
available during regular business hours to ensure appropriate care 57615  
to residents. The nursing director shall be actively involved in 57616  
all clinical and quality management components of the nursing 57617  
facility. 57618

(4) A quality improvement director who shall have experience 57619

in quality management and quality improvement and shall oversee 57620  
all quality initiatives in the facility and who is any of the 57621  
following: 57622

(a) A physician holding a current, unencumbered license to 57623  
practice medicine and surgery or osteopathic medicine and surgery 57624  
issued under Chapter 4731. of the Revised Code; 57625

(b) A registered nurse holding a current, unencumbered 57626  
license issued under Chapter 4723. of the Revised Code; 57627

(c) A physician assistant holding a current, unencumbered 57628  
license issued under Chapter 4730. of the Revised Code. 57629

(K) The Medicaid Director may adopt rules as necessary 57630  
pursuant to sections 5164.02 and 5165.02 of the Revised Code to 57631  
implement this section, including establishing quality improvement 57632  
standards under division (H) of this section and minimum 57633  
responsibilities for key program staff listed in division (J) of 57634  
this section. 57635

**Section 333.230. LUMP SUM PAYMENT FOR LOW MEDICAID 57636**  
UTILIZATION 57637

(A) The Department of Medicaid shall determine the aggregate 57638  
Medicaid utilization for all nursing facilities during state 57639  
fiscal year 2022. Except as provided in division (B) of this 57640  
section, if the Department determines that for all nursing 57641  
facilities, the aggregate Medicaid utilization for all of state 57642  
fiscal year 2022 is less than 90 per cent of the aggregate 57643  
Medicaid utilization for all nursing facilities for all of 57644  
calendar year 2019, the Department may issue a lump sum payment to 57645  
individual nursing facilities that had Medicaid utilization below 57646  
90 per cent for all of state fiscal year 2022. 57647

(B) The following nursing facilities are not eligible to 57648  
receive a lump sum payment under this section: 57649

(1) A nursing facility with a Medicaid utilization rate for all of state fiscal year 2022 that exceeds 90 per cent of its Medicaid utilization for all of calendar year 2019;

(2) Nursing facilities that are new as of state fiscal year 2022;

(3) Nursing facilities that have undergone a change of operator during state fiscal year 2022;

(4) Nursing facilities that closed during state fiscal year 2022.

(C) The total expenditures for lump sum payments under this section shall be the lesser of \$50,000,000, or an amount equal to the aggregate calculated shortfall below 90 per cent under division (A) of this section.

(D) The Medicaid Director shall adopt rules, in accordance with Chapter 119. of the Revised Code, to establish eligibility criteria for the lump sum payment, the distribution formula for the lump sum payment, and procedures by which a nursing facility can request a lump sum payment.

**Section 333.240. TEMPORARY EXTENSION OF REBASING** 57668

Notwithstanding the requirements of section 5165.36 of the Revised Code to conduct a rebasing at least once every five state fiscal years, the Department of Medicaid is not required to conduct its next rebasing until July 1, 2023.

**Section 335.10. MED STATE MEDICAL BOARD** 57673

Dedicated Purpose Fund Group 57674

5C60 883609 Operating Expenses \$ 12,294,149 \$ 12,551,618 57675

TOTAL DPF Dedicated Purpose Fund \$ 12,294,149 \$ 12,551,618 57676

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,294,149 \$ 12,551,618 57677

		<b>Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION</b>			57679
		SERVICES			57680
		General Revenue Fund			57681
GRF	336321	Central Administration	\$ 17,267,311	\$ 17,555,983	57682
GRF	336402	Resident Trainees	\$ 450,000	\$ 450,000	57683
GRF	336405	Family and Children First	\$ 1,386,000	\$ 1,386,000	57684
GRF	336406	Prevention and Wellness	\$ 4,868,659	\$ 4,868,659	57685
GRF	336412	Hospital Services	\$ 256,956,156	\$ 262,210,314	57686
GRF	336415	Mental Health Facilities Lease	\$ 27,000,000	\$ 27,000,000	57687
		Rental Bond Payments			
GRF	336421	Continuum of Care Services	\$ 85,964,846	\$ 85,964,846	57688
GRF	336422	Criminal Justice Services	\$ 17,805,937	\$ 17,805,937	57689
GRF	336423	Addiction Services Partnership with Corrections	\$ 33,830,547	\$ 34,409,472	57690
GRF	336424	Recovery Housing	\$ 3,000,000	\$ 3,000,000	57691
GRF	336425	Specialized Docket Support	\$ 10,000,000	\$ 10,000,000	57692
GRF	336504	Community Innovations	\$ 15,000,000	\$ 15,000,000	57693
GRF	336506	Court Costs	\$ 1,000,000	\$ 1,000,000	57694
GRF	336510	Residential State Supplement	\$ 16,000,000	\$ 16,000,000	57695
GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$ 1,250,000	\$ 1,250,000	57696

GRF	336515	Transcranial Magnetic Stimulation Program	\$	3,000,000	\$	3,000,000	57697
GRF	652321	Medicaid Support	\$	1,298,574	\$	1,587,246	57698
TOTAL GRF		General Revenue Fund	\$	496,078,030	\$	502,488,457	57699
Dedicated Purpose Fund Group							57700
2320	336621	Family and Children First	\$	1,100,000	\$	1,100,000	57701
4750	336623	Statewide Treatment and Prevention	\$	20,600,000	\$	20,600,000	57702
4850	336632	Mental Health Operating	\$	9,000,000	\$	9,000,000	57703
5AU0	336615	Behavioral Health Care	\$	10,010,000	\$	10,010,000	57704
5CV1	336513	COVID Response - Mental Health	\$	2,000,000	\$	0	57705
5JL0	336629	Problem Gambling and Casino Addiction	\$	6,085,000	\$	6,085,000	57706
5T90	336641	Problem Gambling Services	\$	1,820,000	\$	1,820,000	57707
5TZ0	336600	Substance Abuse Stabilization Centers	\$	6,000,000	\$	6,000,000	57708
5TZ0	336643	ADAMHS Boards	\$	11,000,000	\$	11,000,000	57709
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	57710
6890	336640	Education and Conferences	\$	75,000	\$	75,000	57711
TOTAL DPF		Dedicated Purpose Fund Group	\$	68,040,000	\$	66,040,000	57712
Internal Service Activity Fund Group							57713
1490	336609	Hospital Operating Expenses	\$	16,000,000	\$	16,000,000	57714
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000	57715

1510	336601	Ohio Pharmacy Services	\$	99,585,489	\$	100,512,696	57716
4P90	336604	Community Mental Health Projects	\$	250,000	\$	250,000	57717
TOTAL ISA	Internal Service Activity		\$	121,335,489	\$	122,262,696	57718
Fund Group							
Federal Fund Group							57719
3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000	57720
3A70	336612	Social Services Block Grant	\$	7,700,000	\$	7,700,000	57721
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000	57722
3A90	336614	Mental Health Block Grant	\$	72,883,470	\$	38,830,720	57723
3B10	652636	Community Medicaid Legacy Support	\$	4,000,000	\$	4,000,000	57724
3G40	336618	Substance Abuse Block Grant	\$	125,942,756	\$	85,691,166	57725
3H80	336606	Demonstration Grants	\$	15,000,000	\$	15,000,000	57726
3HB1	336644	State Opioid Response	\$	110,176,079	\$	110,176,079	57727
3N80	336639	Administrative Reimbursement	\$	1,000,000	\$	1,000,000	57728
TOTAL FED	Federal Fund Group		\$	362,202,305	\$	287,897,965	57729
TOTAL ALL BUDGET	FUND GROUPS		\$	1,047,655,824	\$	978,689,118	57730

**Section 337.20. PREVENTION AND WELLNESS** 57732

The foregoing appropriation item 336406, Prevention and 57733  
Wellness, shall be used as follows: 57734

(A) Up to \$1,250,000 in each fiscal year shall be distributed 57735  
to boards of alcohol, drug addiction, and mental health services 57736  
to purchase the provision of evidence-based prevention services 57737  
from providers certified by the Department of Mental Health and 57738  
Addiction Services. 57739

(B) Up to \$500,000 in each fiscal year shall be used to support suicide prevention efforts. 57740  
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(C) Up to \$2,250,000 in each fiscal year shall be used to increase access to early identification of behavioral health disorders. 57742  
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**Section 337.30. MENTAL HEALTH FACILITIES LEASE RENTAL BOND PAYMENTS** 57745  
57746

The foregoing appropriation item 336415, Mental Health Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2021, through June 30, 2023, by the Department of Mental Health and Addiction Services pursuant to leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code. 57747  
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**Section 337.40. CONTINUUM OF CARE SERVICES** 57755

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows: 57756  
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(A) A portion of this appropriation shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated: 57758  
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(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and 57765  
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(2) To provide subsidized support for medication-assisted 57768

treatment costs. 57769

(B) A portion of this appropriation may be distributed to 57770  
boards of alcohol, drug addiction, and mental health services, 57771  
community addiction and/or mental health services providers, 57772  
courts, or other governmental entities to provide specific grants 57773  
in support of initiatives concerning mental health and addiction 57774  
services. 57775

(C) Of the foregoing appropriation item 336421, Continuum of 57776  
Care Services, \$1,500,000 in each fiscal year shall be allocated 57777  
by the Department of Mental Health and Addiction Services to 57778  
boards of alcohol, drug addiction, and mental health services. The 57779  
boards shall use their allocations to establish and administer, in 57780  
collaboration with the other boards that serve the same state 57781  
psychiatric hospital region, mental health crisis stabilization 57782  
centers or, upon approval from the Director of Mental Health and 57783  
Addiction Services, boards may use these funds in conjunction with 57784  
funds earmarked in division (A) of Section 337.130 of this act, to 57785  
establish and administer crisis stabilization centers that have 57786  
the ability to serve individuals with substance use and/or mental 57787  
health needs. There shall be at least one center located in each 57788  
state psychiatric hospital region. 57789

Boards of alcohol, drug addiction, and mental health services 57790  
shall ensure that each mental health crisis stabilization center 57791  
established and administered under division (C) of this section 57792  
complies with all of the following: 57793

(1) It serves individuals before and after the individuals 57794  
receive treatment and care at hospital emergency departments or 57795  
freestanding emergency departments. 57796

(2) It serves individuals before and after the individuals 57797  
are confined in state or local correctional facilities. 57798

(3) It has a Medicaid provider agreement. 57799

(4) It serves individuals who present as needing the crisis stabilization services provided by the center. 57800  
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(5) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code. 57802  
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(D) Boards of alcohol, drug addiction, and mental health services shall submit to the Director of Mental Health and Addiction Services for approval a plan for establishing and administering crisis stabilization centers pursuant to division (C) of this section and division (A) of Section 337.130 of this act that meet the mental health and substance use needs of individuals within their service districts. 57805  
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(E) As used in division (C) of this section: 57812

(1) "State or local correctional facility" means any of the following: 57813  
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(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code; 57815  
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(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code; 57817  
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(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code. 57819  
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(2) "State psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code. 57821  
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(F) Of the foregoing appropriation item 336421, Continuum of Care Services, up to \$5,500,000 in each fiscal year shall be used to develop a strategic approach to strengthening cross-systems collaboration efforts to serve adults with serious mental illness who are involved in multiple behavioral health, health, human 57825  
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services, and criminal justice systems. 57830

(G) Of the foregoing appropriation item 336421, Continuum of 57831  
Care Services, up to \$2,500,000 in each fiscal year shall be used 57832  
to develop, evaluate, and expand crisis services infrastructure to 57833  
provide support for adults, children, and families in a variety of 57834  
settings. 57835

(H) Of the foregoing appropriation item 336421, Continuum of 57836  
Care Services, up to \$475,000 in each fiscal year shall be used to 57837  
support the operation of a statewide, twenty-four-hour, 57838  
seven-days-a-week, behavioral health support line. 57839

**Section 337.50. CRIMINAL JUSTICE SERVICES** 57840

Except as otherwise provided in this act, the foregoing 57841  
appropriation item 336422, Criminal Justice Services, shall be 57842  
used to provide forensic psychiatric evaluations to courts of 57843  
common pleas and to conduct evaluations of patients of forensic 57844  
status in facilities operated or designated by the Department of 57845  
Mental Health and Addiction Services prior to conditional release 57846  
to the community. A portion of this appropriation may be allocated 57847  
through boards of alcohol, drug addiction, and mental health 57848  
services to community addiction and/or mental health services 57849  
providers in accordance with a distribution methodology as 57850  
determined by the Director of Mental Health and Addiction 57851  
Services. 57852

Of the foregoing appropriation item, 336422, Criminal Justice 57853  
Services, up to \$3,000,000 in each fiscal year shall be allocated 57854  
to the Psychotropic Drug Reimbursement Program established in 57855  
section 5119.19 of the Revised Code. 57856

On July 1, 2022, or as soon as possible thereafter, the 57857  
Director of Mental Health and Addiction Services shall certify to 57858  
the Director of Budget and Management the amount of the 57859

unexpended, unencumbered balance of this earmark in fiscal year	57860
2022. The amount certified is hereby reappropriated to the	57861
appropriation item in fiscal year 2023 for the same purpose.	57862
The foregoing appropriation item 336422, Criminal Justice	57863
Services, may also be used to:	57864
(A) Provide forensic monitoring and tracking of individuals	57865
on conditional release;	57866
(B) Provide forensic training;	57867
(C) Support projects that assist courts and law enforcement	57868
to identify and develop appropriate alternative services to	57869
incarceration for nonviolent mentally ill offenders;	57870
(D) Provide specialized re-entry services to offenders	57871
leaving prisons and jails;	57872
(E) Provide specific grants in support of addiction services	57873
alternatives to incarceration;	57874
(F) Support therapeutic communities;	57875
(G) Support specialty dockets and expand or create new	57876
certified court programs;	57877
(H) Establish and administer outpatient competency	57878
restoration services.	57879
<b>Section 337.60. SUBSTANCE USE DISORDER TREATMENT IN</b>	57880
<b>SPECIALIZED DOCKET PROGRAMS</b>	57881
(A) As used in this section:	57882
(1) "Community addiction services provider" has the same	57883
meaning as in section 5119.01 of the Revised Code.	57884
(2) "Community control sanction" has the same meaning as in	57885
section 2929.01 of the Revised Code.	57886
(3) "Medication-assisted treatment drug court program" and	57887

"MAT drug court program" mean a session of any of the following 57888  
that holds initial or final certification from the Supreme Court 57889  
of Ohio as a specialized docket program for drugs and that uses 57890  
medication-assisted treatment as part of its specialized docket 57891  
program: a common pleas court, municipal court, or county court, 57892  
or a division of any of those courts. 57893

(4) "Prescriber" has the same meaning as in section 4729.01 57894  
of the Revised Code. 57895

(5) "Recovery supports" has the same meaning as in section 57896  
5119.01 of the Revised Code. 57897

(6) "Substance use disorder treatment" has the same meaning 57898  
as "alcohol and drug addiction services" as defined in section 57899  
5119.01 of the Revised Code. 57900

(B)(1) The Department of Mental Health and Addiction Services 57901  
shall conduct a program to provide substance use disorder 57902  
treatment, which may include medication-assisted treatment and 57903  
recovery supports, to persons who are eligible to participate in a 57904  
medication-assisted treatment drug court program and are selected 57905  
under this section to be participants in a MAT drug court program 57906  
because of a substance use disorder. 57907

(2) The Department shall conduct its program in collaboration 57908  
with any counties in Ohio that are conducting MAT drug court 57909  
programs. 57910

(3) In addition to conducting its program in accordance with 57911  
division (B)(2) of this section, the Department may conduct its 57912  
program in collaboration with any other court that is conducting a 57913  
MAT drug court program. 57914

(C) In conducting its program, the Department shall 57915  
collaborate with the Supreme Court, the Department of 57916  
Rehabilitation and Correction, and any agency of the state that 57917  
the Department of Mental Health and Addiction Services determines 57918

may be of assistance in accomplishing the objectives of the 57919  
Department's program. The Department may collaborate with the 57920  
boards of alcohol, drug addiction, and mental health services and 57921  
with local law enforcement agencies that serve the counties in 57922  
which a court participating in the Department's program is 57923  
located. 57924

(D)(1) A MAT drug court program participating in the 57925  
Department's program shall select the persons who are to be its 57926  
participants for purposes of the Department's program. To be 57927  
selected, a person must be a criminal offender, including an 57928  
offender under a community control sanction, or be involved in a 57929  
drug or family dependency court. A person shall not be selected to 57930  
be a participant unless the person meets the legal and clinical 57931  
eligibility criteria for the MAT drug court program and is an 57932  
active participant in the MAT drug court program, or unless the 57933  
offender is under a community control sanction with the program's 57934  
participating judge. 57935

(2) After a MAT drug court program enrolls a person as a 57936  
participant for purposes of the Department's program, the 57937  
participant shall comply with all requirements of the MAT drug 57938  
court program. 57939

(E) The substance use disorder treatment and recovery 57940  
supports provided under the Department's program in collaboration 57941  
with a MAT drug court program shall be provided by a community 57942  
addiction services provider. The provider shall do all of the 57943  
following: 57944

(1) Provide treatment based on an integrated service delivery 57945  
model that consists of the coordination of care between a 57946  
prescriber and the community addiction services provider; 57947

(2) Conduct professional, comprehensive substance abuse and 57948  
mental health diagnostic assessments of a person under 57949

consideration for selection as a program participant to determine 57950  
whether the person would benefit from substance use disorder 57951  
treatment and monitoring; 57952

(3) Determine, based on the assessment described in division 57953  
(E)(2) of this section, the treatment needs of the program 57954  
participants served by the community addiction services provider; 57955

(4) Develop, for program participants served by the community 57956  
addiction services provider, individualized goals and objectives; 57957

(5) Provide access to the long-acting antagonist therapies, 57958  
partial agonist therapies, or full agonist therapies, that are 57959  
included in the program's medication-assisted treatment; 57960

(6) Provide other types of therapies, including psychosocial 57961  
therapies, for both substance use disorder and any disorders that 57962  
are considered by the community addiction services provider to be 57963  
co-occurring disorders; 57964

(7) Monitor program compliance through the use of regular 57965  
drug testing, including urinalysis, of the program participants 57966  
served by the community addiction services provider; 57967

(8) Provide access to time-limited recovery supports that 57968  
help eliminate barriers to treatment and are specific to the 57969  
participant's needs, including assistance with housing, 57970  
transportation, child care, job training, obtaining a driver's 57971  
license or state identification card, and any other matter 57972  
considered relevant by the provider. 57973

(F) In the case of medication-assisted treatment provided 57974  
under the Department's program, all of the following conditions 57975  
apply: 57976

(1) A drug may be used only if the drug has been approved by 57977  
the United States Food and Drug Administration for use in treating 57978  
dependence on opioids, alcohol, or both, or for preventing relapse 57979

into the use of opioids, alcohol, or both. 57980

(2) One or more drugs may be used, but each drug that is used 57981  
must constitute long-acting antagonist therapy, partial agonist 57982  
therapy, or full agonist therapy. 57983

(3) If a drug constituting partial or full agonist therapy is 57984  
used, the program shall provide safeguards to minimize abuse and 57985  
diversion of the drug, including such safeguards as routine drug 57986  
testing of program participants. 57987

(G) It is anticipated and expected that MAT drug court 57988  
programs will expand their ability to serve more drug court 57989  
participants as a result of increased access to commercial or 57990  
publicly funded health insurance. In order to ensure that funds 57991  
appropriated to support the Department's program are used in the 57992  
most efficient manner with a goal of enrolling the maximum number 57993  
of participants, the Medicaid Director, in collaboration with 57994  
major Ohio health care plans, shall develop plans consistent with 57995  
this division. There shall be no prior authorizations or step 57996  
therapy for medication-assisted treatment for program 57997  
participants. The plans developed under this division shall ensure 57998  
all of the following: 57999

(1) The development of an efficient and timely process for 58000  
review of eligibility for health benefits for all persons selected 58001  
to participate in the program; 58002

(2) A rapid conversion to reimbursement for all health care 58003  
services by the participant's health care plan following approval 58004  
for coverage of health care benefits; 58005

(3) The development of a consistent benefit package that 58006  
provides ready access to and reimbursement for essential health 58007  
care services including, but not limited to, primary health care 58008  
services, alcohol and opioid detoxification services, appropriate 58009  
psychosocial services, and medication for long-acting injectable 58010

antagonist therapies, partial agonist therapies, and full agonist therapies; 58011  
58012

(4) The development of guidelines that require the provision of all treatment services, including medication, with minimal administrative barriers and within a time frame that meets the requirements of individual patient care plans. 58013  
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(H) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$5,000,000 in each fiscal year shall be used to support substance use disorder treatment, including medication-assisted treatment and recovery supports for drug court specialized docket programs and to support the administrative expenses of courts and community addiction services providers participating in the program. 58017  
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**Section 337.70. RECOVERY HOUSING** 58024

The foregoing appropriation item 336424, Recovery Housing, shall be used to expand and support access to recovery housing as defined in section 340.01 of the Revised Code and in accordance with section 340.034 of the Revised Code. For expenditures that are capital in nature, the Department of Mental Health and Addiction Services shall develop procedures to administer these funds in a manner that is consistent with current community capital assistance guidelines. 58025  
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**Section 337.80. SPECIALIZED DOCKET SUPPORT** 58033

(A) The foregoing appropriation item 336425, Specialized Docket Support, shall be used to defray a portion of the annual payroll costs associated with the specialized docket of a common pleas court, municipal court, county court, juvenile court, or family court that meets all of the eligibility requirements in division (B) of this section, including a family dependency treatment docket. The foregoing appropriation item 336425, 58034  
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Specialized Docket Support, may also be used to defray costs 58041  
associated with treatment services and recovery supports for 58042  
participants. 58043

(B) To be eligible, the specialized docket must have received 58044  
Supreme Court of Ohio initial or final certification and include 58045  
participants with behavioral health needs in its target 58046  
population. 58047

(C) Of the foregoing appropriation item 336425, Specialized 58048  
Docket Support, the Department of Mental Health and Addiction 58049  
Services shall use up to one per cent of the funds appropriated in 58050  
each fiscal year to pay the cost it incurs in administering the 58051  
duties established in this section. 58052

(D) The Department, in consultation with the Supreme Court of 58053  
Ohio, may adopt funding distribution methodology, guidelines, and 58054  
procedures as necessary to carry out the purposes of this section. 58055

**Section 337.90. COMMUNITY INNOVATIONS** 58056

The foregoing appropriation item 336504, Community 58057  
Innovations, may be used by the Department of Mental Health and 58058  
Addiction Services to make targeted investments in programs, 58059  
projects, or systems operated by or under the authority of other 58060  
state agencies, governmental entities, or private not-for-profit 58061  
agencies that impact, or are impacted by, the operations and 58062  
functions of the Department, with the goal of achieving a net 58063  
reduction in expenditure of state general revenue funds and/or 58064  
improved outcomes for Ohio citizens without a net increase in 58065  
state general revenue fund spending. 58066

The Director shall identify and evaluate programs, projects, 58067  
or systems proposed or operated, in whole or in part, outside of 58068  
the authority of the Department, where targeted investment of 58069  
these funds in the program, project, or system is expected to 58070

decrease demand for the Department or other resources funded with 58071  
state general revenue funds, and/or to measurably improve outcomes 58072  
for Ohio citizens with mental illness or with alcohol, drug, or 58073  
gambling addictions. The Director shall have discretion to provide 58074  
funds from this appropriation item to other state agencies, 58075  
governmental entities, or private not-for-profit agencies in 58076  
amounts, and subject to conditions, that the Director determines 58077  
most likely to achieve state savings and/or improved outcomes. 58078  
Distribution of funds from this appropriation item shall not be 58079  
subject to sections 9.23 to 9.239 or Chapter 125. of the Revised 58080  
Code. 58081

The Department shall enter into an agreement with each 58082  
recipient of community innovation funds, identifying: allowable 58083  
expenditure of the funds; other commitment of funds or other 58084  
resources to the program, project, or system; expected state 58085  
savings and/or improved outcomes and proposed mechanisms for 58086  
measurement of such savings or outcomes; and required reporting 58087  
regarding expenditure of funds and savings or outcomes achieved. 58088

Of the foregoing appropriation item 336504, Community 58089  
Innovations, up to \$6,000,000 in each fiscal year shall be used 58090  
for operating expenses that result in improved quality of life for 58091  
adults with severe mental illness living in class two and class 58092  
three residential facilities. 58093

Of the foregoing appropriation item 336504, Community 58094  
Innovations, up to \$4,000,000 in each fiscal year shall be used to 58095  
provide funding for community projects across the state that focus 58096  
on support for families, assisting families in avoiding crisis, 58097  
and crisis intervention. 58098

Of the foregoing appropriation item 336504, Community 58099  
Innovations, up to \$3,500,000 in each fiscal year shall be used to 58100  
support workforce development initiatives. 58101

Of the foregoing appropriation item 336504, Community Innovations, up to \$1,500,000 in each fiscal year shall be used to improve behavioral health outcomes for racial and ethnic minorities.

**Section 337.100. RESIDENTIAL STATE SUPPLEMENT** 58106

(A) The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training and other supports for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness and to make payments to residential state supplement recipients.

(B) The Department of Mental Health and Addiction Services shall adopt rules establishing eligibility criteria and payment amounts under section 5119.41 of the Revised Code.

**Section 337.110. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND CONSULTATION** 58117  
58118

The foregoing appropriation item 336511, Early Childhood Mental Health Counselors and Consultation, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool to third grade classroom expulsions. Funds shall be used by the Department of Mental Health and Addiction Services to support early childhood mental health credentialed counselors and consultation services, as well as administration and workforce development for the program.

**Section 337.120. MEDICAID SUPPORT** 58128

The foregoing appropriation item 652321, Medicaid Support, shall be used to fund specified Medicaid Services as delegated by

the state's single agency responsible for the Medicaid Program. 58131

**Section 337.130. SUBSTANCE ABUSE STABILIZATION CENTERS** 58132

(A) The foregoing appropriation item 336600, Substance Abuse 58133  
Stabilization Centers, shall be used to establish and administer, 58134  
in collaboration with the other boards that serve the same state 58135  
psychiatric hospital region, substance use stabilization centers 58136  
or, upon approval from the Director of Mental Health and Addiction 58137  
Services, boards may use these funds in conjunction with funds 58138  
earmarked in division (C) of Section 337.40 of this act to 58139  
establish and administer crisis stabilization centers that have 58140  
the ability to serve individuals with substance use and/or mental 58141  
health needs. There shall be a minimum of one center located in 58142  
each state psychiatric hospital region. 58143

(B) Boards of alcohol, drug addiction, and mental health 58144  
services shall submit to the Director of Mental Health and 58145  
Addiction Services for approval a plan for establishing and 58146  
administering crisis stabilization centers pursuant to division 58147  
(A) of this section and division (C) of Section 337.40 of this act 58148  
that meet the needs of individuals within their service districts. 58149

(C) As used in this section, "state psychiatric hospital 58150  
regions" means the six districts into which the Department of 58151  
Mental Health and Addiction Services has divided the state 58152  
pursuant to division (B)(2) of section 5119.14 of the Revised 58153  
Code. 58154

**Section 337.140. ADAMHS BOARDS** 58155

(A) Of the foregoing appropriation item 336643, ADAMHS 58156  
Boards, \$5,000,000 in each fiscal year shall be allocated as 58157  
follows: 58158

(1) Each board shall receive \$50,000 in each fiscal year for 58159  
each of the counties that are part of the board's district. 58160

(2) Each board shall receive a percentage of any remaining amount to be determined by a formula developed by the Director of Mental Health and Addiction Services.

(B) Of the foregoing appropriation item 336643, ADAMHS Boards, up to \$6,000,000 in each fiscal year shall be used to fund a continuum of crisis stabilization and crisis prevention services and supports to allow individuals to be served in the least restrictive setting.

(C) Boards of alcohol, drug addiction, and mental health services shall submit for approval by the Director of Mental Health and Addiction Services a plan for establishing and administering crisis services in conjunction with the plan submitted pursuant to division (D) of Section 337.40 and division (B) of Section 337.130 of this act.

**Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION**

A portion of appropriation item 336629, Problem Gambling and Casino Addiction, shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services.

**Section 337.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL**

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools shall be subject to the following restrictions:

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

**Section 337.170. ACCESS SUCCESS II PROGRAM**

To the extent cash is available, the Director of Budget and Management may transfer cash from a fund designated by the Medicaid Director, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services. The transferred cash is hereby appropriated.

The Department of Mental Health and Addiction Services shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of the Revised Code to transition from inpatient status to a community setting.

**Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION**

FUND						58221
On a schedule determined by the Director of Budget and Management, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code to be transferred from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 4750). Upon certification, the Director of Budget and Management may transfer cash from the Indigent Drivers Alcohol Treatment Fund to the Statewide Treatment and Prevention Fund.						58222 58223 58224 58225 58226 58227 58228 58229 58230 58231
<b>Section 337.190.</b>	TRANSCRANIAL MAGNETIC STIMULATION PROGRAM					58232
The foregoing appropriation item 336515, Transcranial Magnetic Stimulation Program, shall be used for the transcranial magnetic stimulation program for veterans with substance use disorders or mental illness as described in section 5902.09 of the Revised Code.						58233 58234 58235 58236 58237
<b>Section 339.10.</b>	MIH COMMISSION ON MINORITY HEALTH					58238
General Revenue Fund						58239
GRF 149321	Operating Expenses	\$	733,463	\$	767,026	58240
GRF 149501	Demonstration Grants	\$	852,606	\$	852,606	58241
GRF 149502	Lupus Program	\$	93,120	\$	93,120	58242
GRF 149503	Infant Mortality	\$	3,139,967	\$	3,106,404	58243
	Health Grants					
TOTAL GRF	General Revenue Fund	\$	4,819,156	\$	4,819,156	58244
	Dedicated Purpose Fund Group					58245
4C20 149601	Minority Health	\$	35,000	\$	35,000	58246
	Conference					
TOTAL DPF	Dedicated Purpose Fund	\$	35,000	\$	35,000	58247



<b>Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD</b>				58278
Dedicated Purpose Fund Group				58279
4K90 865601	Operating Expenses	\$ 636,389	\$ 636,389	58280
TOTAL DPF Dedicated Purpose Fund				58281
Group				
TOTAL ALL BUDGET FUND GROUPS				58282
 <b>Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES</b>				 58284
General Revenue Fund				58285
GRF 725401	Division of Wildlife-Operating Subsidy	\$ 1,595,700	\$ 1,595,700	58286
GRF 725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$ 64,000,000	\$ 76,500,000	58287
GRF 725456	Canal Lands	\$ 117,855	\$ 117,855	58288
GRF 725505	Healthy Lake Erie Program	\$ 900,000	\$ 900,000	58289
GRF 725507	Coal and Mine Safety Programs	\$ 2,800,000	\$ 2,900,000	58290
GRF 725903	Natural Resources General Obligation Bond Debt Service	\$ 20,600,000	\$ 23,000,000	58291
GRF 727321	Division of Forestry	\$ 6,965,023	\$ 6,965,023	58292
GRF 729321	Office of Information Technology	\$ 181,478	\$ 181,478	58293
GRF 730321	Parks and Recreation	\$ 39,829,739	\$ 39,829,739	58294
GRF 736321	Division of Engineering	\$ 2,035,650	\$ 2,035,650	58295
GRF 737321	Division of Water Resources	\$ 1,692,044	\$ 1,692,044	58296

GRF	738321	Office of Real Estate and Land Management	\$	728,322	\$	728,322	58297
GRF	741321	Division of Natural Areas and Preserves	\$	3,696,134	\$	3,696,134	58298
TOTAL GRF	General Revenue Fund		\$	145,141,945	\$	160,141,945	58299
Dedicated Purpose Fund Group							58300
2270	725406	Parks Projects Personnel	\$	2,009,943	\$	2,062,630	58301
4300	725671	Canal Lands	\$	998,229	\$	1,002,531	58302
4S90	725622	NatureWorks Personnel	\$	341,177	\$	351,329	58303
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	58304
5090	725602	State Forest	\$	8,312,871	\$	8,312,871	58305
5110	725646	Ohio Geological Mapping	\$	8,599,989	\$	5,799,989	58306
5110	725679	Geographic Information System Centralized Services	\$	641,719	\$	646,449	58307
5120	725605	State Parks Operations	\$	35,412,070	\$	35,412,070	58308
5140	725606	Lake Erie Shoreline	\$	2,446,910	\$	2,446,910	58309
5160	725620	Water Management	\$	3,007,006	\$	3,007,006	58310
5180	725643	Oil and Gas Regulation and Safety	\$	28,446,157	\$	29,523,770	58311
5180	725677	Oil and Gas Well Plugging	\$	22,481,036	\$	22,849,836	58312
5210	725627	Off-Road Vehicle Trails	\$	460,000	\$	460,000	58313
5220	725656	Natural Areas and Preserves	\$	1,725,494	\$	1,582,122	58314
5290	725639	Mining Regulation and Safety	\$	4,750,000	\$	4,800,000	58315
5310	725648	Reclamation Forfeiture	\$	2,530,000	\$	2,530,000	58316
5CV1	725697	Coronavirus Relief DNR		2,500,000	\$	0	58317

		COVID Safety					
5EL0	725612	Wildlife Law	\$	12,000	\$	12,000	58318
		Enforcement					
5EM0	725613	Natural Resources Law	\$	34,000	\$	34,000	58319
		Enforcement					
5HK0	725625	Ohio Nature Preserves	\$	100,000	\$	100,000	58320
5P20	725634	Wildlife Boater Angler	\$	5,000,000	\$	5,000,000	58321
		Administration					
5TD0	725514	Park Maintenance	\$	1,481,150	\$	1,481,150	58322
6150	725661	Dam Safety	\$	1,166,602	\$	1,266,602	58323
6970	725670	Submerged Lands	\$	717,155	\$	717,155	58324
6H20	725681	H2Ohio	\$	25,000,000	\$	25,000,000	58325
7015	740401	Division of Wildlife	\$	65,482,330	\$	65,482,330	58326
		Conservation					
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	58327
7086	739401	Watercraft Operations	\$	34,527,175	\$	34,007,086	58328
8150	725636	Cooperative Management	\$	650,000	\$	650,000	58329
		Projects					
8160	725649	Wetlands Habitat	\$	2,366,885	\$	966,885	58330
8170	725655	Wildlife Conservation	\$	2,000,000	\$	2,000,000	58331
		Checkoff					
8180	725629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000	58332
		Research					
8190	725685	Ohio River Management	\$	150,000	\$	150,000	58333
81B0	725688	Wildlife Habitats	\$	2,000,000	\$	2,000,000	58334
TOTAL	DPF	Dedicated Purpose Fund	\$	273,143,569	\$	267,448,392	58335
		Group					
		Internal Service Activity Fund Group					58336
1550	725601	Departmental Projects	\$	1,800,392	\$	1,625,481	58337
1550	725676	Hocking Hills State	\$	3,000,000	\$	3,000,000	58338
		Park Lodge					
1570	725651	Program Support	\$	21,956,264	\$	22,290,566	58339
5100	725631	Maintenance -	\$	189,611	\$	189,611	58340

State-owned			
Residences			
TOTAL ISA Internal Service Activity	\$	26,946,267	\$ 27,105,658 58341
Fund Group			
Capital Projects Fund Group			58342
7061 725405 Clean Ohio Trail	\$	301,796	\$ 301,796 58343
Operating			
TOTAL CPF Capital Projects Fund	\$	301,796	\$ 301,796 58344
Group			
Fiduciary Fund Group			58345
4M80 725675 FOP Contract	\$	20,219	\$ 20,219 58346
TOTAL FID Fiduciary Fund Group	\$	20,219	\$ 20,219 58347
Group			
Holding Account Fund Group			58348
R017 725659 Performance Cash Bond	\$	554,730	\$ 554,730 58349
Refunds			
R043 725624 Forestry	\$	2,400,000	\$ 2,400,000 58350
TOTAL HLD Holding Account Fund	\$	2,954,730	\$ 2,954,730 58351
Group			
Federal Fund Group			58352
3320 725669 Federal Mine Safety	\$	335,000	\$ 335,000 58353
Grant			
3B30 725640 Federal Forest	\$	500,000	\$ 500,000 58354
Pass-Thru			
3B40 725641 Federal Flood	\$	125,000	\$ 125,000 58355
Pass-Thru			
3B50 725645 Federal Abandoned	\$	13,825,000	\$ 14,145,000 58356
Mine Lands			
3B60 725653 Federal Land and	\$	10,800,000	\$ 10,800,000 58357
Water Conservation			
Grants			
3B70 725654 Reclamation -	\$	1,800,000	\$ 1,800,000 58358
Regulatory			

3P10	725632	Geological Survey - Federal	\$	260,000	\$	260,000	58359
3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000	58360
3P30	725650	Coastal Management - Federal	\$	2,820,185	\$	2,820,185	58361
3P40	725660	Federal - Soil and Water Resources	\$	251,310	\$	264,746	58362
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	1,000,000	\$	1,000,000	58363
3Z50	725657	Federal Recreation and Trails	\$	3,159,175	\$	3,161,429	58364
TOTAL FED	Federal Fund Group		\$	35,022,670	\$	35,358,360	58365
TOTAL ALL BUDGET FUND GROUPS			\$	483,531,196	\$	493,331,100	58366

**Section 343.20. PROGRAM SUPPORT FUND** 58368

The Department of Natural Resources shall use a methodology 58369  
for determining each division's payments into the Program Support 58370  
Fund (Fund 1570). The methodology used shall contain the 58371  
characteristics of administrative ease and uniform application in 58372  
compliance with federal grant requirements. It may include direct 58373  
cost charges for specific services provided. Payments to Fund 1570 58374  
shall be made using an intrastate transfer voucher. 58375

The foregoing appropriation item 725401, Division of 58376  
Wildlife-Operating Subsidy, shall be used to pay the direct and 58377  
indirect costs of the Division of Wildlife. 58378

**PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS** 58379

The foregoing appropriation item 725413, Parks and 58380  
Recreational Facilities Lease Rental Bond Payments, shall be used 58381  
to meet all payments during the period from July 1, 2021, through 58382  
June 30, 2023, by the Department of Natural Resources pursuant to 58383  
leases and agreements made under section 154.22 of the Revised 58384  
Code. These appropriations are the source of funds pledged for 58385

bond service charges on related obligations issued under Chapter 154. of the Revised Code.	58386 58387
HEALTHY LAKE ERIE PROGRAM	58388
The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of the following: (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices.	58389 58390 58391 58392 58393 58394 58395 58396 58397 58398
COAL AND MINE SAFETY PROGRAMS	58399
The foregoing appropriation item 725507, Coal and Mine Safety Programs, shall be used for the administration of the Mine Safety Program and the Coal Regulation Program.	58400 58401 58402
NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE	58403
The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2021, through June 30, 2023, on obligations issued under sections 151.01 and 151.05 of the Revised Code.	58404 58405 58406 58407 58408
<b>Section 343.30.</b> OIL AND GAS WELL PLUGGING	58409
The foregoing appropriation item 725677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. This appropriation item shall not be used for salaries, maintenance, equipment, or other administrative purposes, except	58410 58411 58412 58413 58414 58415

for those costs directly attributable to the plugging of an idle 58416  
or orphan well. In addition, this appropriation item shall not be 58417  
used to transfer cash to any other fund or appropriation item. 58418

H2OHIO FUND 58419

On July 1, 2022, or as soon as possible thereafter, the 58420  
Director of Natural Resources may certify to the Director of 58421  
Budget and Management an amount up to the unexpended, unencumbered 58422  
balance of the foregoing appropriation item, 725681, H2Ohio, at 58423  
the end of fiscal year 2022 to be reappropriated in fiscal year 58424  
2023. The amount certified is hereby reappropriated to the same 58425  
appropriation item for fiscal year 2023. 58426

WELL LOG FILING FEES 58427

The Chief of the Division of Water Resources shall deposit 58428  
fees forwarded to the Division pursuant to section 1521.05 of the 58429  
Revised Code into the Water Management Fund (Fund 5160) for the 58430  
purposes described in that section. 58431

PARKS CAPITAL EXPENSES FUND 58432

The Director of Natural Resources shall submit to the 58433  
Director of Budget and Management the estimated design, 58434  
engineering, and planning costs of capital-related work to be done 58435  
by Department of Natural Resources staff for parks projects within 58436  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 58437  
Director of Budget and Management approves the estimated costs, 58438  
the Director may release appropriations from Fund 7035 58439  
appropriation item C725E6, Project Planning, for those purposes. 58440  
Upon release of the appropriations, the Department of Natural 58441  
Resources shall pay for these expenses from the Parks Capital 58442  
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 58443  
reimbursed by Fund 7035 using an intrastate transfer voucher. 58444

NATUREWORKS CAPITAL EXPENSES FUND 58445

The Department of Natural Resources shall submit to the 58446  
Director of Budget and Management the estimated design, planning, 58447  
and engineering costs of capital-related work to be done by 58448  
Department of Natural Resources staff for each capital improvement 58449  
project within the Ohio Parks and Natural Resources Fund (Fund 58450  
7031). If the Director of Budget and Management approves the 58451  
estimated costs, the Director may release appropriations from Fund 58452  
7031 appropriation item C725E5, Project Planning, for those 58453  
purposes. Upon release of the appropriations, the Department of 58454  
Natural Resources shall pay for these expenses from the Capital 58455  
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 58456  
reimbursed by Fund 7031 using an intrastate transfer voucher. 58457

PARK MAINTENANCE 58458

The foregoing appropriation item 725514, Park Maintenance, 58459  
shall be used by the Department of Natural Resources to pay the 58460  
costs of projects supported by the State Park Maintenance Fund 58461  
(Fund 5TD0) under section 1501.08 of the Revised Code. 58462

On July 1 of each fiscal year or as soon as possible 58463  
thereafter, the Director of Natural Resources shall certify the 58464  
amount of five percent of the average of the previous five years 58465  
of deposits in the State Park Fund (Fund 5120) to the Director of 58466  
Budget and Management. The Director of Budget and Management may 58467  
transfer up to \$1,600,000 from Fund 5120 to the State Park 58468  
Maintenance Fund (Fund 5TD0). 58469

**Section 343.50.** CLEAN OHIO TRAIL OPERATING EXPENSES 58470

The foregoing appropriation item 725405, Clean Ohio Trail 58471  
Operating, shall be used by the Department of Natural Resources in 58472  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 58473  
to section 1519.05 of the Revised Code. 58474

**Section 345.10.** NUR STATE BOARD OF NURSING 58475

Dedicated Purpose Fund Group					58476
4K90 884609	Operating Expenses	\$	11,378,121	\$	11,689,893
5AC0 884602	Nurse Education Grant	\$	1,513,000	\$	1,513,000
	Program				
5P80 884601	Nursing Special	\$	500	\$	500
	Issues				
TOTAL DPF Dedicated Purpose					58480
Fund Group		\$	12,891,621	\$	13,203,393
TOTAL ALL BUDGET FUND GROUPS		\$	12,891,621	\$	13,203,393

**Section 347.10.** PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 58484  
AND ATHLETIC TRAINERS BOARD 58485

Dedicated Purpose Fund Group					58486
4K90 890609	Operating Expenses	\$	1,168,045	\$	1,168,045
TOTAL DPF Dedicated Purpose Fund		\$	1,168,045	\$	1,168,045
Group					
TOTAL ALL BUDGET FUND GROUPS		\$	1,168,045	\$	1,168,045

**Section 353.10.** OOD OPPORTUNITIES FOR OHIOANS WITH 58491  
DISABILITIES AGENCY 58492

General Revenue Fund					58493
GRF 415402	Independent Living	\$	252,000	\$	252,000
	Council				
GRF 415406	Assistive Technology	\$	25,819	\$	25,819
GRF 415431	Brain Injury	\$	126,567	\$	126,567
GRF 415506	Services for	\$	18,418,244	\$	18,418,244
	Individuals with				
	Disabilities				
GRF 415508	Services for the Deaf	\$	27,580	\$	27,580
GRF 415511	Centers for	\$	450,000	\$	450,000
	Independent Living				
GRF 415512	Visually Impaired	\$	50,000	\$	50,000

Reading Services					
TOTAL GRF General Revenue Fund	\$	19,350,210	\$	19,350,210	58501
Dedicated Purpose Fund Group					58502
4670 415609 Business Enterprise	\$	1,545,498	\$	1,555,368	58503
Operating Expenses					
4680 415618 Third Party Services	\$	8,000,000	\$	8,000,000	58504
Funding					
4L10 415619 Services for	\$	3,000,000	\$	3,000,000	58505
Rehabilitation					
TOTAL DPF Dedicated Purpose Fund	\$	12,545,498	\$	12,555,368	58506
Group					
Internal Service Activity Fund Group					58507
4W50 415606 Program Management	\$	15,865,315	\$	16,138,415	58508
TOTAL ISA Internal Service Activity	\$	15,865,315	\$	16,138,415	58509
Fund Group					
Federal Fund Group					58510
3170 415620 Disability	\$	84,246,693	\$	85,518,074	58511
Determination					
3790 415616 Federal - Vocational	\$	129,098,355	\$	130,495,615	58512
Rehabilitation					
3GH0 415602 Personal Care	\$	3,133,972	\$	3,139,040	58513
Assistance					
3GH0 415604 Community Centers for	\$	950,000	\$	950,000	58514
the Deaf					
3GH0 415613 Independent Living	\$	737,411	\$	737,411	58515
3L10 415608 Social Security	\$	9,100,000	\$	9,100,000	58516
Vocational					
Rehabilitation					
3L40 415615 Federal - Supported	\$	850,000	\$	850,000	58517
Employment					
3L40 415617 Independent Living	\$	2,545,971	\$	1,733,658	58518
Older Blind					

TOTAL FED Federal Fund Group	\$	230,662,402	\$	232,523,798	58519
TOTAL ALL BUDGET FUND GROUPS	\$	278,423,425	\$	280,567,791	58520

**Section 353.20. INDEPENDENT LIVING** 58522

The foregoing appropriation item 415402, Independent Living 58523  
Council, shall be used to support the state independent living 58524  
programs and centers under Title VII of the Independent Living 58525  
Services and Centers for Independent Living of the Rehabilitation 58526  
Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 58527

Of the foregoing appropriation item 415402, Independent 58528  
Living Council, \$67,662 in each fiscal year shall be used as state 58529  
matching funds for vocational rehabilitation innovation and 58530  
expansion activities. 58531

The foregoing appropriation item 415511, Centers for 58532  
Independent Living, shall be used to support the operations of the 58533  
Centers for Independent Living in accordance with the State Plan 58534  
for Independent Living. 58535

**ASSISTIVE TECHNOLOGY** 58536

The foregoing appropriation item 415406, Assistive 58537  
Technology, shall be provided to Assistive Technology of Ohio to 58538  
provide grants and assistive technology services for people with 58539  
disabilities in the State of Ohio. 58540

**BRAIN INJURY** 58541

The foregoing appropriation item 415431, Brain Injury, shall 58542  
be provided to The Ohio State University College of Medicine to 58543  
support the Brain Injury Program established under section 3335.60 58544  
of the Revised Code. 58545

**SERVICES FOR INDIVIDUALS WITH DISABILITIES** 58546

In addition to funding the general vocational rehabilitation 58547  
program, the foregoing appropriation item 415506, Services for 58548  
Individuals with Disabilities, shall be used as state match to: 58549

continue partnerships with certified drug courts to expand access 58550  
to employment through vocational rehabilitation services and 58551  
increase employment outcomes that promote recovery and 58552  
rehabilitation; continue partnerships with community colleges and 58553  
state universities to ensure college students with disabilities 58554  
can compete for in-demand jobs in tomorrow's labor market and 58555  
increase the median earnings of individuals who obtain employment; 58556  
create paid on-the-job work experiences for eligible candidates 58557  
placed in state agencies to develop work skills needed to pursue 58558  
permanent employment and increase the number of individuals with 58559  
disabilities employed in state government; and increase access to 58560  
vocational rehabilitation services for eligible students enrolled 58561  
at the Ohio State School for the Blind and the Ohio School for the 58562  
Deaf that will prepare students who are blind or deaf for 58563  
transition to college or employment. 58564

SERVICES FOR THE DEAF 58565

The foregoing appropriation item 415508, Services for the 58566  
Deaf, shall be used to support community centers for the deaf. 58567

VISUALLY IMPAIRED READING SERVICES 58568

The foregoing appropriation item 415512, Visually Impaired 58569  
Reading Services, shall be used to support VOICEcorps Reading 58570  
Services to provide reading services for blind individuals. 58571

SIGHT CENTERS 58572

Of the foregoing appropriation item 415617, Independent 58573  
Living Older Blind, \$30,000 in each fiscal year shall be used to 58574  
contract in equal amounts with the Cleveland Sight Center, the 58575  
Cincinnati Association for the Blind and Visually Impaired, and 58576  
the Sight Center of Northwest Ohio to provide independent living 58577  
services to the community of individuals with blindness or low 58578  
vision. 58579

<b>Section 361.10. PEN PENSION SUBSIDIES</b>				58580
General Revenue Fund				58581
GRF	090524	Police and Fire	\$ 1,000 \$ 1,000	58582
Disability Pension Fund				
GRF	090534	Police and Fire Ad Hoc Cost of Living	\$ 22,000 \$ 22,000	58583
GRF	090554	Police and Fire Survivor Benefits	\$ 201,000 \$ 201,000	58584
GRF	090575	Police and Fire Death Benefits	\$ 35,000,000 \$ 35,250,000	58585
TOTAL GRF General Revenue Fund				58586
TOTAL ALL BUDGET FUND GROUPS				58587

**Section 361.20. POLICE AND FIRE DEATH BENEFIT FUND** 58589

The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund, which serves as trustees of the Ohio Public Safety Officers Death Benefit Fund pursuant to section 742.62 of the Revised Code. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by sections 124.824 and 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed.

Notwithstanding any provision of section 124.824 of the Revised Code to the contrary, for each death benefit fund recipient who participates in health, medical, hospital, dental,

surgical, or vision benefits under section 124.824 of the Revised Code, the Board of Trustees of the Ohio Police and Fire Pension Fund shall forward as a pass-through from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits, the percentage of the cost for the applicable benefits that would be paid by a state employer for a state employee who elects that coverage and any applicable administrative costs, which shall not exceed two per cent of the total cost of the benefits. The Board of Trustees shall also withhold from the benefits paid to a death benefit fund recipient under section 742.63 of the Revised Code the percentage of the cost for such benefits that would be paid by a state employee, and forward the withheld amounts to the Department of Administrative Services from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits.

In fiscal year 2022 or 2023, if it is determined by the Director of Administrative Services, in consultation with the Chairperson of the Board of Trustees of the Ohio Police and Fire Pension Fund, or designee, that additional amounts are necessary to pay the cost of providing benefits under section 124.824 or 742.63 of the Revised Code, the Director of Administrative Services may certify the additional amount necessary to the Director of Budget and Management. The amount certified is hereby appropriated.

**Section 363.10.** UST PETROLEUM UNDERGROUND STORAGE TANK  
RELEASE COMPENSATION BOARD  
Dedicated Purpose Fund Group  
6910 810632 Petroleum Underground \$ 1,470,292 \$ 1,489,689  
Storage Tank Release  
Compensation Board -  
Operating

TOTAL DPF Dedicated Purpose Fund Group	\$	1,470,292	\$	1,489,689	58634
TOTAL ALL BUDGET FUND GROUPS	\$	1,470,292	\$	1,489,689	58635

**Section 367.10. PRX STATE BOARD OF PHARMACY** 58637

Dedicated Purpose Fund Group					58638
4A50 887605 Drug Law Enforcement	\$	50,000	\$	50,000	58639
4K90 658605 OARRS Integration - STATE	\$	265,000	\$	265,000	58640
4K90 887609 Operating Expenses	\$	11,750,000	\$	12,200,000	58641
5SG0 887612 Drug Database	\$	100,000	\$	100,000	58642
5SY0 887613 Medical Marijuana Control Program	\$	3,150,000	\$	3,250,000	58643
TOTAL DPF Dedicated Purpose Fund Group	\$	15,315,000	\$	15,865,000	58644

Federal Fund Group					58645
3HD0 887614 Pharmacy Federal Grants	\$	1,050,000	\$	1,050,000	58646
3HH0 658601 OARRS Integration - Federal	\$	2,500,000	\$	2,500,000	58647
3HM0 887615 Equitable Sharing Treasury	\$	5,000	\$	5,000	58648
3HN0 887616 Equitable Sharing Justice	\$	30,000	\$	30,000	58649
TOTAL FED Federal Fund Group	\$	3,585,000	\$	3,585,000	58650
TOTAL ALL BUDGET FUND GROUPS	\$	18,900,000	\$	19,450,000	58651

**Section 369.10. PSY STATE BOARD OF PSYCHOLOGY** 58653

Dedicated Purpose Fund Group					58654
4K90 882609 Operating Expenses	\$	679,000	\$	696,000	58655
TOTAL DPF Dedicated Purpose Fund Group	\$	679,000	\$	696,000	58657

TOTAL ALL BUDGET FUND GROUPS			\$	679,000	\$	696,000	58658
<b>Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b>							58660
General Revenue Fund							58661
GRF 019401	State Legal Defense		\$	5,944,609	\$	6,019,884	58662
	Services						
GRF 019403	Multi-County: State		\$	4,431,065	\$	4,564,087	58663
	Share						
GRF 019404	Trumbull County -		\$	1,410,172	\$	1,452,508	58664
	State Share						
GRF 019405	Training Account		\$	50,000	\$	50,000	58665
GRF 019501	County Reimbursement		\$	125,000,000	\$	125,000,000	58666
TOTAL GRF General Revenue Fund			\$	136,835,846	\$	137,086,479	58667
Dedicated Purpose Fund Group							58668
1010 019607	Juvenile Legal		\$	205,000	\$	205,000	58669
	Assistance						
4060 019603	Training and		\$	25,000	\$	25,000	58670
	Publications						
4070 019604	County Representation		\$	285,000	\$	285,000	58671
4080 019605	Client Payments		\$	737,389	\$	737,389	58672
4C70 019601	Multi-County: County		\$	149,879	\$	272,016	58673
	Share						
4N90 019613	Gifts and Grants		\$	13,440	\$	13,440	58674
4X70 019610	Trumbull County -		\$	47,699	\$	86,568	58675
	County Share						
5740 019606	Civil Legal Aid		\$	14,500,000	\$	14,500,000	58676
5CX0 019617	Civil Case Filing Fee		\$	542,904	\$	602,904	58677
5DY0 019618	Indigent Defense		\$	25,896,000	\$	27,888,000	58678
	Support - County						
	Share						
5DY0 019619	Indigent Defense		\$	6,684,000	\$	6,684,000	58679
	Support - State						

Office

TOTAL DPF Dedicated Purpose Fund      \$    49,086,311    \$    51,299,317    58680  
Group

Federal Fund Group      58681

3S80 019608    Federal      \$            38,315    \$            38,315    58682

Representation

TOTAL FED Federal Fund Group      \$            38,315    \$            38,315    58683

TOTAL ALL BUDGET FUND GROUPS      \$    185,960,472    \$    188,424,111    58684

INSUFFICIENT OPERATING EXPENSES FUNDING      58685

If it is determined by the State Public Defender that the      58686  
amounts appropriated to fund the operating expenses of the Public      58687  
Defender Commission are insufficient in either fiscal year 2022 or      58688  
fiscal year 2023, the Director of Budget and Management, upon      58689  
written request of the State Public Defender, may approve for the      58690  
applicable fiscal year an appropriation transfer of up to \$100,000      58691  
from appropriation item 019501, County Reimbursement, to      58692  
appropriation item 019401, State Legal Defense Services, for the      58693  
purpose of funding the operating expenses of the Public Defender      58694  
Commission.      58695

INDIGENT DEFENSE OFFICE      58696

The foregoing appropriation items 019404, Trumbull County -      58697  
State Share, and 019610, Trumbull County - County Share, shall be      58698  
used to support an indigent defense office for Trumbull County.      58699

MULTI-COUNTY OFFICE      58700

The foregoing appropriation items 019403, Multi-County: State      58701  
Share, and 019601, Multi-County: County Share, shall be used to      58702  
support the Office of the Ohio Public Defender's Multi-County      58703  
Branch Office Program.      58704

TRAINING ACCOUNT      58705

The foregoing appropriation item 019405, Training Account,      58706

shall be used by the Ohio Public Defender to provide legal 58707  
training programs at no cost for private appointed counsel who 58708  
represent at least one indigent defendant at no cost, and for 58709  
state and county public defenders and attorneys who contract with 58710  
the Ohio Public Defender to provide indigent defense services. 58711

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID 58712  
FUND 58713

On July 1 of each fiscal year, or as soon as possible 58714  
thereafter, the Director of Budget and Management shall transfer 58715  
\$500,000 cash from the General Revenue Fund to the Legal Aid Fund 58716  
(Fund 5740). The transferred cash shall be distributed by the Ohio 58717  
Access to Justice Foundation to Ohio's civil legal aid societies 58718  
as follows: \$250,000 in each fiscal year for the sole purpose of 58719  
providing legal services for economically disadvantaged 58720  
individuals and families seeking assistance with legal issues 58721  
arising as a result of substance abuse disorders, and \$250,000 in 58722  
each fiscal year for the sole purpose of providing legal services 58723  
for veterans. None of the funds shall be used for administrative 58724  
costs, including, but not limited to, salaries, benefits, or 58725  
travel reimbursements. 58726

FEDERAL REPRESENTATION 58727

The foregoing appropriation item 019608, Federal 58728  
Representation, shall be used to support representation provided 58729  
by the Ohio Public Defender in federal court cases. 58730

**Section 373.10.** DPS DEPARTMENT OF PUBLIC SAFETY 58731

General Revenue Fund 58732

GRF 761403 Recovery Ohio Law \$ 13,075,000 \$ 13,155,000 58733

Enforcement

GRF 763403 EMA Operating \$ 5,578,897 \$ 5,868,428 58734

GRF 763513 Security Grants \$ 4,250,000 \$ 4,250,000 58735

GRF	767420	Investigative Unit Operating	\$	14,545,000	\$	14,875,000	58736
GRF	768425	Justice Program Services	\$	13,320,000	\$	13,350,000	58737
GRF	769406	Homeland Security - Operating	\$	3,376,000	\$	3,455,000	58738
GRF	769407	Youthful Driver Safety	\$	500,000	\$	500,000	58739
GRF	769501	School Safety	\$	2,705,500	\$	2,705,500	58740
TOTAL GRF	General Revenue Fund		\$	57,350,397	\$	58,158,928	58741
Dedicated Purpose Fund Group							58742
4P60	768601	Justice Program Services	\$	226,500	\$	226,500	58743
4V30	763662	EMA Service and Reimbursements	\$	665,000	\$	590,000	58744
5330	763601	State Disaster Relief	\$	1,875,000	\$	1,875,000	58745
5B90	766632	Private Investigator and Security Guard Provider	\$	2,035,000	\$	2,035,000	58746
5BK0	768687	Criminal Justice Services - Operating	\$	550,000	\$	550,000	58747
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	58748
5CV1	763691	Coronavirus Relief-DPS	\$	29,000,000	\$	0	58749
5ET0	768625	Drug Law Enforcement	\$	4,000,000	\$	4,000,000	58750
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946	58751
5ML0	769635	Infrastructure Protection	\$	80,000	\$	80,000	58752
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	58753
5RS0	768621	Community Police	\$	1,150,000	\$	1,150,000	58754

		Relations					
5Y10	767696	Ohio Investigative	\$	10,000	\$	10,000	58755
		Unit Continuing					
		Professional Training					
6220	767615	Investigative,	\$	1,000,000	\$	1,000,000	58756
		Contraband, and					
		Forfeiture					
6570	763652	Utility Radiological	\$	1,368,624	\$	1,378,304	58757
		Safety					
6810	763653	SARA Title III Hazmat	\$	287,310	\$	287,994	58758
		Planning					
TOTAL DPF		Dedicated Purpose Fund	\$	45,548,380	\$	16,483,744	58759
Group							
Federal Fund		Group					58760
3370	763515	COVID Relief -	\$	150,000,000	\$	150,000,000	58761
		Federal					
3370	763609	Federal Disaster	\$	69,948,672	\$	69,948,672	58762
		Relief					
3FP0	767620	Ohio Investigative	\$	30,000	\$	30,000	58763
		Unit Justice					
		Contraband					
3GL0	768619	Justice Assistance	\$	12,500,000	\$	12,500,000	58764
		Grants - FFY15					
3GT0	767691	Investigative Unit	\$	100,000	\$	100,000	58765
		Federal Equity Share					
3GU0	769610	Investigations Grants	\$	1,400,000	\$	1,400,000	58766
		- Food Stamps, Liquor					
		and Tobacco Laws					
3GU0	769631	Homeland Security	\$	800,000	\$	800,000	58767
		Disaster Grants					
3HT0	768699	Coronavirus Emergency	\$	5,000,000	\$	850,000	58768
		Support Funding					
3L50	768604	Justice Program	\$	12,600,000	\$	12,600,000	58769

TOTAL FED Federal Fund Group	\$	252,378,672	\$	248,228,672	58770
TOTAL ALL BUDGET FUND GROUPS	\$	355,277,449	\$	322,871,344	58771

**Section 373.20.** RECOVERY OHIO LAW ENFORCEMENT 58773

Of the foregoing appropriation item 761403, Recovery Ohio Law 58774  
Enforcement, up to \$6,575,000 in fiscal year 2022 and \$6,655,000 58775  
in fiscal year 2023 may be used to operate and maintain a highly 58776  
specialized Narcotics Intelligence Center consisting of personnel 58777  
assigned to intelligence and computer forensic analysis that will 58778  
assist Ohio narcotics task forces and law enforcement agencies. 58779

Of the foregoing appropriation item 761403, Recovery Ohio Law 58780  
Enforcement, up to \$3,400,000 in each fiscal year may be used by 58781  
the Office of Criminal Justice Services to support local law 58782  
enforcement narcotics task forces that focus on cartel trafficking 58783  
interdiction. The interdiction task forces shall be designated 58784  
Ohio Organized Crime Commission task forces subject to approval 58785  
and supervision of the Commission. This earmarked amount may also 58786  
be used to provide funding to local law enforcement agencies, the 58787  
Commission for task force related equipment purchases, and for 58788  
operating expenses of the Office of Criminal Justice Services 58789  
related to the narcotics interdiction task force program. 58790

Of the foregoing appropriation item 761403, Recovery Ohio Law 58791  
Enforcement, up to \$2,500,000 in each fiscal year may be used by 58792  
the Office of Criminal Justice Services for Ohio's narcotics task 58793  
forces in order to build new and strengthen existing partnerships 58794  
with local law enforcement. This earmarked amount may also be used 58795  
to provide funding to local law enforcement agencies and for 58796  
operating expenses of the Office of Criminal Justice Services 58797  
related to the Ohio narcotics task force program. 58798

Of the foregoing appropriation item 761403, Recovery Ohio Law 58799  
Enforcement, up to \$600,000 in each fiscal year may be used to 58800  
partner with the Office of Information Technology in the 58801

Department of Administrative Services to enhance and maintain a uniform records management and data intelligence system, and provide case management, collaboration, data sharing, and data analytics tools for Ohio narcotics task forces and law enforcement agencies.

JUSTICE PROGRAM SERVICES

Of the foregoing appropriation item 768425, Justice Program Services, up to \$5,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to administer and distribute grants to state and local law enforcement agencies to implement or enhance body-worn camera programs.

Of the foregoing appropriation item 768425, Justice Program Services, up to \$4,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to administer and distribute grants to state and local law enforcement agencies to assist local communities in reducing and preventing crime through the use of promising or proven crime reduction strategies. The use of the grants includes, but is not limited to, overtime, equipment, technical assistance, and analytical support to implement crime reduction strategies.

Of the foregoing appropriation item 768425, Justice Program Services, up to \$1,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to distribute grants to state and/or local law enforcement to conduct investigations on sexual assault kit testing results and related expenses.

Of the foregoing appropriation item 768425, Justice Program Services, up to \$500,000 in each fiscal year shall be used by the Office of Criminal Justice Services to support state and local law enforcement agencies in the recruitment, hiring, and training of qualified individuals to serve as peace officers.

Of the foregoing appropriation item 768425, Justice Program

Services, up to \$200,000 in each fiscal year shall be used by the 58833  
Office of Criminal Justice Services to implement recommendations 58834  
of the Governor's Warrant Task Force. 58835

YOUTHFUL DRIVER SAFETY 58836

The foregoing appropriation item 769407, Youthful Driver 58837  
Safety, shall be used to enhance driver training for a statewide 58838  
youthful driver safety program. The program will use best 58839  
practices and technology to focus on behind-the-wheel driver 58840  
training for drivers aged sixteen to twenty-four in order to 58841  
reduce the number of at-fault youthful fatal car crashes. 58842

SCHOOL SAFETY 58843

The foregoing appropriation item 769501, School Safety, shall 58844  
be used by the Department of Public Safety for the operations of 58845  
the Ohio School Safety Center, including maintaining and promoting 58846  
the Safer Ohio Schools Tip Line and assisting local schools and 58847  
first responders in preventing, preparing for, and responding to 58848  
threats and acts of violence, including self-harm, through a 58849  
holistic, solutions-based approach to improving school safety. 58850

LOCAL DISASTER ASSISTANCE 58851

An amount equal to the unexpended, unencumbered balance of 58852  
appropriation item 763511, Local Disaster Assistance, at the end 58853  
of fiscal year 2021 is hereby reappropriated for the April 17, 58854  
2018, and April 8, 2019, Major Disaster Declarations for fiscal 58855  
year 2022. 58856

An amount equal to the unexpended, unencumbered balance of 58857  
appropriation item 763511, Local Disaster Assistance, at the end 58858  
of fiscal year 2022 is hereby reappropriated for the April 17, 58859  
2018, and April 8, 2019, Major Disaster Declarations for fiscal 58860  
year 2023. 58861

STATE DISASTER RELIEF 58862

On July 1 of each fiscal year, or as soon as possible 58863  
thereafter, the Director of Budget and Management may transfer 58864  
\$1,875,000 cash from the Disaster Services Fund (Fund 5E20) to the 58865  
State Disaster Relief Fund (Fund 5330) to be used to pay for 58866  
estimated program administrative costs and Emergency Operations 58867  
Center activation costs for that fiscal year. 58868

The State Disaster Relief Fund (Fund 5330) may accept 58869  
transfers of cash or appropriations from Controlling Board 58870  
appropriation items for the Ohio Emergency Management Agency 58871  
disaster response costs and disaster program management costs, and 58872  
may also be used for the following purposes: 58873

(A) To accept transfers of cash or appropriations from 58874  
Controlling Board appropriation items for Ohio Emergency 58875  
Management Agency recovery and mitigation program match costs to 58876  
reimburse eligible local governments and private nonprofit 58877  
organizations for costs related to disasters; 58878

(B) To accept transfers of cash or appropriations from 58879  
Controlling Board appropriation items to cover costs incurred and 58880  
to reimburse government entities for Emergency Management 58881  
Assistance Compact (EMAC) missions; 58882

(C) To accept disaster related reimbursement from federal, 58883  
state, and local governments. The Director of Budget and 58884  
Management may transfer cash from reimbursements received by this 58885  
fund to other funds of the state from which transfers were 58886  
originally approved by the Controlling Board. 58887

(D) To accept transfers of cash or appropriations from 58888  
Controlling Board appropriation items to fund the State Disaster 58889  
Relief Program, for disasters that qualify for the program by 58890  
written authorization of the Governor, and the State Individual 58891  
Assistance Program for disasters that have been declared by the 58892  
federal Small Business Administration and that qualify for the 58893

program by written authorization from the Governor. 58894

(E) The State Disaster Relief Fund (Fund 5330) may accept, 58895  
hold, administer, and expend any cash received from a gift, 58896  
donation, bequest, devise, or contribution. 58897

**Section 373.30.** TRANSFER FROM STATE FIRE MARSHAL FUND TO 58898  
EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 58899

On July 1 of each fiscal year, or as soon as possible 58900  
thereafter, the Director of Budget and Management shall transfer 58901  
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 58902  
Emergency Management Agency Service and Reimbursement Fund (Fund 58903  
4V30) to be distributed to the Ohio Task Force One - Urban Search 58904  
and Rescue Unit, other similar urban search and rescue units 58905  
around the state, and for maintenance of the statewide fire 58906  
emergency response plan by an entity recognized by the Ohio 58907  
Emergency Management Agency. 58908

DRUG LAW ENFORCEMENT FUND 58909

Notwithstanding division (D) of section 5502.68 of the 58910  
Revised Code, in each of fiscal years 2022 and 2023, the 58911  
cumulative amount of funding provided to any single drug task 58912  
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 58913  
exceed \$500,000 in any calendar year. 58914

COMMUNITY POLICE RELATIONS 58915

The foregoing appropriation item 768621, Community Police 58916  
Relations, shall be used to implement key recommendations of the 58917  
Ohio Task Force on Community-Police Relations, including a 58918  
database on use of force and officer involved shootings, a public 58919  
awareness campaign, and state-provided assistance with 58920  
policy-making and manuals. 58921

SARA TITLE III HAZMAT PLANNING 58922

The SARA Title III Hazmat Planning Fund (Fund 6810) is 58923

entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

SECURITY GRANTS

(A) The foregoing appropriation item 763513, Security Grants, shall be used to make competitive grants of up to \$100,000 to nonprofit organizations, houses of worship, chartered nonpublic schools, and licensed preschools for eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism, to acquire the services of a resource officer, special duty police officer, or licensed armed security guards, or for the purchase of qualified equipment, including equipment for emergency and crisis communication, crisis management, or trauma and crisis response to assist in preventing, preparing for, or responding to acts of terrorism.

(B) The Emergency Management Agency shall administer and award the grants described in division (A) of this section. The Agency shall establish procedures and forms by which applicants may apply for a grant, a competitive process for ranking applicants and awarding the grants, and procedures for distributing grants to recipients. The procedures shall require each applicant to do all of the following:

(1) Identify and substantiate prior threats or attacks by a terrorist organization, network, or cell against the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool;

(2) Indicate the symbolic or strategic value of one or more sites that renders the site a possible target of terrorism;

(3) Discuss potential consequences to the organization if the site is damaged, destroyed, or disrupted by a terrorist;

(4) Describe how the grant will be used to integrate

organizational preparedness with broader state and local preparedness efforts; 58955  
58956

(5) Submit either a vulnerability assessment conducted by experienced security, law enforcement, or military personnel, or a credible intelligence and threat analysis from one or more qualified homeland security, counterintelligence, or anti-terrorism experts, and a description of how the grant will be used to address the vulnerabilities identified in the assessment. 58957  
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The Agency shall consider all of the above factors in evaluating grant applications. 58963  
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(C) Any grant submission described in division (I) of section 3313.536 of the Revised Code or section 149.433 of the Revised Code is not a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section. 58965  
58966  
58967  
58968  
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(D) The Emergency Management Agency may use up to two and one-half per cent of the total amount appropriated to administer the program, a portion of which may be used to pay costs incurred by the Department of Public Safety to provide security-related or specialized assistance in reviewing vulnerability assessments and prioritizing grant applications. 58970  
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(E) As used in this section: 58976

(1) "Eligible security improvements" means any of the following: 58977  
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(a) Physical security enhancement equipment or inspection and screening equipment included on the Authorized Equipment List published by the United States Department of Homeland Security; 58979  
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(b) Attendance fees and associated materials, supplies, and equipment costs for security-related training courses and programs regarding the protection of critical infrastructure and key 58982  
58983  
58984

resources, physical and cyber security, target hardening, or 58985  
terrorism awareness or preparedness. Personnel and travel costs 58986  
associated with training shall not be considered an eligible 58987  
expense of the grant. 58988

(2) "Nonprofit organization" means a corporation, 58989  
association, group, institution, society, or other organization 58990  
that is exempt from federal income taxation under section 58991  
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 58992  
26 U.S.C. 501(c)(3), as amended. 58993

(3) "Resource officer" means any law enforcement officer of 58994  
an accredited local law enforcement agency providing special duty 58995  
services in a school setting to create or maintain a safe, secure, 58996  
and orderly environment. A resource officer may include a special 58997  
duty police officer, off-duty police officer, deputy sheriff, or 58998  
other peace officer of the applicable local law enforcement agency 58999  
in which the chartered nonpublic school or licensed preschool is 59000  
located or qualifying personnel of an accredited local law 59001  
enforcement agency for any jurisdiction in this state. 59002

(4) "Terrorism" means any act taken by a group or individual 59003  
used to intimidate or coerce a nonprofit organization, house of 59004  
worship, chartered nonpublic school, or licensed preschool, its 59005  
employees, and anyone who is or in the future may be associated 59006  
with it, as well as their families; to influence the policy of the 59007  
nonprofit organization, house of worship, chartered nonpublic 59008  
school, or licensed preschool; and to affect the conduct of the 59009  
nonprofit organization, house of worship, chartered nonpublic 59010  
school, or licensed preschool. 59011

(F) Effective July 1, 2021, the Director of Budget and 59012  
Management shall cancel any existing encumbrances against 59013  
appropriation item 763514, Security Grants - Personnel, and 59014  
reestablish them against appropriation item 763513, Security 59015  
Grants. The reestablished encumbrance amounts are hereby 59016

appropriated. 59017

(G) An amount equal to the unexpended, unencumbered balance 59018  
of the foregoing appropriation item 763513, Security Grants, at 59019  
the end of fiscal year 2021 is hereby reappropriated for the same 59020  
purpose in fiscal year 2022. 59021

(H) An amount equal to the unexpended, unencumbered balance 59022  
of the foregoing appropriation item 763513, Security Grants, at 59023  
the end of fiscal year 2022 is hereby reappropriated for the same 59024  
purpose in fiscal year 2023. 59025

**Section 375.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO 59026

Dedicated Purpose Fund Group 59027

4A30 870614 Grade Crossing \$ 2,200,000 \$ 2,200,000 59028  
Protection

Devices-State

4L80 870617 Pipeline Safety-State \$ 346,253 \$ 346,253 59029

5610 870606 Power Siting Board \$ 1,205,185 \$ 1,205,185 59030

5F60 870622 Utility and Railroad \$ 36,615,760 \$ 36,615,760 59031  
Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 85,000 \$ 85,000 59032

5LT0 870640 Intrastate \$ 195,000 \$ 195,000 59033  
Registration

5LT0 870641 Unified Carrier \$ 450,000 \$ 450,000 59034  
Registration

5LT0 870643 Non-hazardous \$ 299,942 \$ 299,942 59035  
Materials Civil

Forfeiture

5LT0 870644 Hazardous Materials \$ 1,165,000 \$ 1,165,000 59036  
Civil Forfeiture

5LT0 870645 Motor Carrier \$ 4,919,696 \$ 4,919,696 59037  
Enforcement

5Q50 870626 Telecommunications \$ 3,000,000 \$ 3,000,000 59038

		Relay Service					
5QR0	870646	Underground Facilities	\$	50,000	\$	50,000	59039
		Protection					
5QS0	870647	Underground Facilities	\$	316,000	\$	316,000	59040
		Administration					
TOTAL DPF	Dedicated Purpose Fund		\$	50,847,836	\$	50,847,836	59041
Group							
Federal Fund Group							59042
3330	870601	Gas Pipeline Safety	\$	1,397,959	\$	1,397,959	59043
3500	870608	Motor Carrier Safety	\$	10,082,069	\$	10,082,069	59044
3500	870648	Motor Carrier	\$	450,000	\$	450,000	59045
		Administration High					
		Priority Activities					
		Grants and					
		Cooperative					
		Agreements					
3V30	870604	Commercial Vehicle	\$	21,000	\$	0	59046
		Information					
		Systems/Networks					
TOTAL FED	Federal Fund Group		\$	11,951,028	\$	11,930,028	59047
TOTAL ALL BUDGET FUND GROUPS			\$	62,798,864	\$	62,777,864	59048
<b>Section 377.10. PWC PUBLIC WORKS COMMISSION</b>							59050
General Revenue Fund							59051
GRF	150904	Conservation General	\$	50,500,000	\$	53,500,000	59052
		Obligation Bond Debt					
		Service					
GRF	150907	Infrastructure	\$	246,500,000	\$	237,000,000	59053
		Improvement General					
		Obligation Bond Debt					
		Service					
TOTAL GRF	General Revenue Fund		\$	297,000,000	\$	290,500,000	59054

Capital Projects Fund Group					59055
7038 150321 State Capital	\$	937,244	\$	946,036	59056
Improvements Program					
- Operating Expenses					
7056 150403 Clean Ohio	\$	304,822	\$	307,922	59057
Conservation					
Operating					
TOTAL CPF Capital Projects Fund	\$	1,242,066	\$	1,253,958	59058
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	298,242,066	\$	291,753,958	59059

**Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT** 59061

SERVICE 59062

The foregoing appropriation item 150904, Conservation General 59063  
Obligation Bond Debt Service, shall be used to pay all debt 59064  
service and related financing costs during the period from July 1, 59065  
2021, through June 30, 2023, on obligations issued under sections 59066  
151.01 and 151.09 of the Revised Code. 59067

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 59068

SERVICE 59069

The foregoing appropriation item 150907, Infrastructure 59070  
Improvement General Obligation Bond Debt Service, shall be used to 59071  
pay all debt service and related financing costs during the period 59072  
from July 1, 2021, through June 30, 2023, on obligations issued 59073  
under sections 151.01 and 151.08 of the Revised Code. 59074

CLEAN OHIO CONSERVATION OPERATING 59075

The foregoing appropriation item 150403, Clean Ohio 59076  
Conservation Operating, shall be used by the Ohio Public Works 59077  
Commission in administering Clean Ohio Conservation Fund (Fund 59078  
7056) projects pursuant to sections 164.20 to 164.27 of the 59079  
Revised Code. 59080

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 59081

The foregoing appropriation item 150321, State Capital 59082  
Improvements Program - Operating Expenses, shall be used by the 59083  
Ohio Public Works Commission to administer the State Capital 59084  
Improvement Program under sections 164.01 to 164.16 of the Revised 59085  
Code. 59086

DISTRICT ADMINISTRATION COSTS 59087

The Director of the Public Works Commission is authorized to 59088  
create a District Administration Costs Program from proceeds of 59089  
the Capital Improvements Fund and Local Transportation Improvement 59090  
Program Fund. The program shall be used to provide for the direct 59091  
costs of district administration of the nineteen public works 59092  
districts. Districts choosing to participate in the program shall 59093  
only expend State Capital Improvements Fund moneys for State 59094  
Capital Improvements Fund costs and Local Transportation 59095  
Improvement Program Fund moneys for Local Transportation 59096  
Improvement Program Fund costs. The District Administration Costs 59097  
Program account shall not exceed \$1,235,000 per fiscal year. Each 59098  
public works district may be eligible for up to \$65,000 per fiscal 59099  
year from its district allocation as provided in sections 164.08 59100  
and 164.14 of the Revised Code. 59101

The Director, by rule, shall define allowable and 59102  
non-allowable costs for the purpose of the District Administration 59103  
Costs Program. Non-allowable costs include indirect costs, elected 59104  
official salaries and benefits, and project-specific costs. No 59105  
district public works committee may participate in the District 59106  
Administration Costs Program without the approval of those costs 59107  
by the district public works committee under section 164.04 of the 59108  
Revised Code. 59109

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 59110

The Director of the Public Works Commission is authorized to 59111

create a District Administration Costs Program for districts 59112  
 represented by natural resource assistance councils. This program 59113  
 shall be funded from proceeds of the Clean Ohio Conservation Fund. 59114  
 The program shall be used by natural resource assistance councils 59115  
 in order to provide for administration costs of the nineteen 59116  
 natural resource assistance councils for the direct costs of 59117  
 council administration. Councils choosing to participate in this 59118  
 program may be eligible for up to \$15,000 per fiscal year from its 59119  
 district allocation as provided in section 164.27 of the Revised 59120  
 Code. 59121

The Director shall define allowable and non-allowable costs 59122  
 for the purpose of the District Administration Costs Program. 59123  
 Non-allowable costs include indirect costs, elected official 59124  
 salaries and benefits, and project-specific costs. 59125

**Section 379.10. RAC STATE RACING COMMISSION** 59126

Dedicated Purpose Fund Group 59127

5620	875601	Thoroughbred	\$	1,200,000	\$	1,200,000	59128
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Development

5630	875602	Standardbred	\$	1,550,000	\$	1,550,000	59129
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Development

5650	875604	Racing Commission	\$	4,070,948	\$	4,070,948	59130
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Operating

5JK0	875610	Horse Racing	\$	8,512,095	\$	8,512,095	59131
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Development-Casino

5NL0	875611	Revenue	\$	8,200,000	\$	8,200,000	59132
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Redistribution

TOTAL DPF	Dedicated Purpose Fund	\$	23,533,043	\$	23,533,043	59133
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Group

Fiduciary Fund Group 59134

5C40	875607	Simulcast Horse	\$	7,000,000	\$	7,000,000	59135
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Racing Purse

TOTAL FID Fiduciary Fund Group	\$	7,000,000	\$	7,000,000	59136
Holding Account Fund Group					59137
R021 875605 Bond Reimbursements	\$	100,000	\$	100,000	59138
TOTAL HLD Holding Account Fund Group	\$	100,000	\$	100,000	59139
TOTAL ALL BUDGET FUND GROUPS	\$	30,633,043	\$	30,633,043	59140

**Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION** 59142

General Revenue Fund					59143
GRF 235321 Operating Expenses	\$	5,742,147	\$	5,914,411	59144
GRF 235402 Sea Grants	\$	286,981	\$	299,250	59145
GRF 235406 Articulation and Transfer	\$	1,818,947	\$	1,873,515	59146
GRF 235408 Midwest Higher Education Compact	\$	116,725	\$	118,476	59147
GRF 235414 Grants and Scholarship Administration	\$	850,729	\$	876,251	59148
GRF 235417 Technology Maintenance and Operations	\$	3,530,641	\$	3,636,561	59149
GRF 235428 Appalachian New Economy Workforce Partnership	\$	2,228,000	\$	2,228,000	59150
GRF 235438 Choose Ohio First Scholarship	\$	25,000,000	\$	28,000,000	59151
GRF 235443 Adult Basic and Literacy Education - State	\$	7,083,344	\$	7,083,344	59152
GRF 235444 Ohio Technical Centers	\$	20,810,120	\$	20,810,120	59153
GRF 235474 Area Health Education Centers Program Support	\$	838,342	\$	873,000	59154
GRF 235492 Campus Safety and	\$	612,000	\$	630,360	59155

	Training				
GRF 235501	State Share of	\$ 2,056,678,116	\$ 2,075,761,402	59156	
	Instruction				
GRF 235504	War Orphans and	\$ 14,000,000	\$ 15,500,000	59157	
	Severely Disabled				
	Veterans' Children				
	Scholarships				
GRF 235507	OhioLINK	\$ 5,654,164	\$ 5,752,427	59158	
GRF 235508	Air Force Institute of	\$ 1,524,219	\$ 1,563,387	59159	
	Technology				
GRF 235510	Ohio Supercomputer	\$ 4,294,160	\$ 4,422,984	59160	
	Center				
GRF 235511	Cooperative Extension	\$ 23,452,913	\$ 23,854,677	59161	
	Service				
GRF 235514	Central State	\$ 11,107,153	\$ 11,241,466	59162	
	Supplement				
GRF 235515	Case Western Reserve	\$ 1,957,994	\$ 2,038,940	59163	
	University School of				
	Medicine				
GRF 235519	Family Practice	\$ 2,888,463	\$ 3,007,876	59164	
GRF 235520	Shawnee State	\$ 4,636,500	\$ 5,409,250	59165	
	Supplement				
GRF 235525	Geriatric Medicine	\$ 476,350	\$ 496,043	59166	
GRF 235526	Primary Care	\$ 1,368,428	\$ 1,425,000	59167	
	Residencies				
GRF 235535	Ohio Agricultural	\$ 34,895,612	\$ 35,493,396	59168	
	Research and				
	Development Center				
GRF 235536	The Ohio State	\$ 8,820,830	\$ 9,185,494	59169	
	University Clinical				
	Teaching				
GRF 235537	University of	\$ 7,395,012	\$ 7,834,944	59170	
	Cincinnati Clinical				

	Teaching					
GRF 235538	University of Toledo	\$	5,654,890	\$	5,888,670	59171
	Clinical Teaching					
GRF 235539	Wright State	\$	2,747,255	\$	2,860,830	59172
	University Clinical					
	Teaching					
GRF 235540	Ohio University	\$	2,655,855	\$	2,765,651	59173
	Clinical Teaching					
GRF 235541	Northeast Ohio Medical	\$	2,731,544	\$	2,844,469	59174
	University Clinical					
	Teaching					
GRF 235543	Kent State University	\$	450,000	\$	500,000	59175
	College of Podiatric					
	Medicine Clinic					
	Subsidy					
GRF 235546	Central State	\$	3,782,130	\$	3,782,130	59176
	Agricultural Research					
	and Development					
GRF 235548	Central State	\$	3,744,568	\$	3,744,568	59177
	Cooperative Extension					
	Services					
GRF 235552	Capital Component	\$	1,584,491	\$	1,584,491	59178
GRF 235555	Library Depositories	\$	1,310,702	\$	1,326,762	59179
GRF 235556	Ohio Academic	\$	2,915,605	\$	2,978,512	59180
	Resources Network					
GRF 235558	Long-term Care	\$	296,767	\$	309,035	59181
	Research					
GRF 235563	Ohio College	\$	102,756,352	\$	108,500,000	59182
	Opportunity Grant					
GRF 235569	The Ohio State	\$	4,000,000	\$	5,000,000	59183
	University College of					
	Veterinary Medicine					
	Supplement					

GRF 235572	The Ohio State University Clinic Support	\$	699,296	\$	728,206	59184
GRF 235578	Federal Research Network	\$	4,950,000	\$	4,950,000	59185
GRF 235598	Rural University Program	\$	400,000	\$	400,000	59186
GRF 235599	National Guard Scholarship Program	\$	19,000,000	\$	19,000,000	59187
GRF 235909	Higher Education General Obligation Bond Debt Service	\$	331,000,000	\$	301,000,000	59188
TOTAL GRF General Revenue Fund		\$	2,738,747,345	\$	2,743,493,898	59189
Dedicated Purpose Fund Group						59190
2200 235614	Program Approval and Reauthorization	\$	800,485	\$	825,000	59191
4560 235603	Sales and Services	\$	199,250	\$	199,250	59192
4E80 235602	Higher Educational Facility Commission Administration	\$	63,000	\$	65,000	59193
5D40 235675	Conference/Special Purposes	\$	1,000,000	\$	1,000,000	59194
5FR0 235650	State and Non-Federal Grants and Award	\$	1,402,150	\$	1,402,150	59195
5P30 235663	Variable Savings Plan	\$	8,049,501	\$	8,159,165	59196
6450 235664	Guaranteed Savings Plan	\$	1,035,116	\$	1,047,209	59197
6820 235606	Nursing Loan Program	\$	1,116,842	\$	1,116,842	59198
TOTAL DPF Dedicated Purpose Fund Group		\$	13,666,344	\$	13,814,616	59199
Bond Research and Development Fund Group						59200
7011 235634	Research Incentive	\$	5,000,000	\$	5,000,000	59201

		Third Frontier					
7014	235639	Research Incentive	\$	3,000,000	\$	3,000,000	59202
		Third Frontier - Tax					
		TOTAL BRD Bond Research and	\$	8,000,000	\$	8,000,000	59203
		Development Fund Group					
		Federal Fund Group					59204
3120	235577	Education, Research,	\$	25,691	\$	25,691	59205
		Development, and					
		Dissemination					
3120	235611	Gear-up Grant	\$	2,000,000	\$	2,000,000	59206
3120	235612	Carl D. Perkins	\$	1,350,000	\$	1,350,000	59207
		Grant/Plan					
		Administration					
3120	235641	Adult Basic and	\$	17,600,000	\$	17,600,000	59208
		Literacy Education -					
		Federal					
3BG0	235651	Gear Up Grant	\$	1,750,000	\$	1,750,000	59209
		Scholarships					
3HQ0	235509	GEER - Higher	\$	16,190,000	\$	0	59210
		Education Initiatives					
3N60	235658	John R. Justice	\$	70,000	\$	70,000	59211
		Student Loan					
		Repayment Program					
		TOTAL FED Federal Fund Group	\$	38,985,691	\$	22,795,691	59212
		TOTAL ALL BUDGET FUND GROUPS	\$	2,799,399,380	\$	2,788,104,205	59213

**Section 381.20. SEA GRANTS** 59215

The foregoing appropriation item 235402, Sea Grants, shall be 59216  
used to match federal dollars and leverage additional support by 59217  
The Ohio State University's Sea Grant program, including Stone 59218  
Laboratory, for research, education, and outreach to enhance the 59219  
economic value, public utilization, and responsible management of 59220  
Lake Erie and Ohio's coastal resources. 59221

**Section 381.30.** ARTICULATION AND TRANSFER 59222

The foregoing appropriation item 235406, Articulation and 59223  
Transfer, shall be used by the Chancellor of Higher Education to 59224  
maintain and expand the work of the Articulation and Transfer 59225  
Network Advisory Council to develop a system of transfer policies 59226  
to ensure that students at state institutions of higher education 59227  
can transfer and have coursework apply to their majors and degrees 59228  
at any other state institution of higher education without 59229  
unnecessary duplication or institutional barriers under sections 59230  
3333.16, 3333.161, 3333.162, and 3333.164 of the Revised Code. 59231

**Section 381.40.** MIDWEST HIGHER EDUCATION COMPACT 59232

The foregoing appropriation item 235408, Midwest Higher 59233  
Education Compact, shall be distributed by the Chancellor of 59234  
Higher Education under section 3333.40 of the Revised Code. 59235

**Section 381.50.** GRANTS AND SCHOLARSHIP ADMINISTRATION 59236

The foregoing appropriation item 235414, Grants and 59237  
Scholarship Administration, shall be used by the Chancellor of 59238  
Higher Education to manage and administer student financial aid 59239  
programs created by the General Assembly and grants for which the 59240  
Department of Higher Education is responsible. The appropriation 59241  
item also shall be used to support all state financial aid audits 59242  
and student financial aid programs created by Congress, and to 59243  
provide fiscal and administrative services for the Ohio National 59244  
Guard Scholarship Program. 59245

**Section 381.60.** TECHNOLOGY MAINTENANCE AND OPERATIONS 59246

The foregoing appropriation item 235417, Technology 59247  
Maintenance and Operations, shall be used by the Chancellor of 59248  
Higher Education to support the development and implementation of 59249

information technology solutions designed to improve the 59250  
performance and capacity of the Department of Higher Education. 59251  
The information technology solutions may be provided by the Ohio 59252  
Technology Consortium (OH-TECH). Funds may also be used by the 59253  
Chancellor for strategic initiatives not related to technology to 59254  
address higher education needs in the state. 59255

Of the foregoing appropriation item 235417, Technology 59256  
Maintenance and Operations, a portion in each fiscal year may be 59257  
used by the Chancellor to support the continued implementation of 59258  
eStudent Services, a consortium organized under division (T) of 59259  
section 3333.04 of the Revised Code to expand access to dual 59260  
enrollment opportunities for high school students, as well as 59261  
adult and higher education opportunities through technology. The 59262  
funds shall be used by eStudent Services to develop and promote 59263  
learning and assessment through the use of technology, to test and 59264  
provide advice on emerging learning-directed technologies, to 59265  
facilitate cost-effectiveness through shared educational 59266  
technology investments, and for any other strategic priorities of 59267  
the Chancellor of Higher Education. 59268

Of the foregoing appropriation item 235417, Technology 59269  
Maintenance and Operations, a portion in each fiscal year shall be 59270  
used by the Chancellor to implement a high priority data 59271  
warehouse, advanced analytics, and visualization integration 59272  
services associated with the Higher Education Information (HEI) 59273  
system. The services may be facilitated by OH-TECH. 59274

Of the foregoing appropriation item 235417, Technology 59275  
Maintenance and Operations, \$150,000 in each fiscal year shall be 59276  
used to support Ohio Reach to provide mentoring and support 59277  
services to former foster youth attending college. 59278

**Section 381.70.** APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP 59279

Of the foregoing appropriation item 235428, Appalachian New 59280

Economy Workforce Partnership, \$500,000 in each fiscal year shall 59281  
be allocated to the Mahoning Valley Innovation and 59282  
Commercialization Center. 59283

The remainder of the foregoing appropriation item 235428, 59284  
Appalachian New Economy Workforce Partnership, shall be 59285  
distributed to Ohio University to continue a multi-campus and 59286  
multi-agency coordinated effort to link Appalachia to the new 59287  
economy. Ohio University shall use these funds to provide 59288  
leadership in the development and implementation of initiatives in 59289  
the areas of entrepreneurship, management, education, and 59290  
technology. 59291

**Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP** 59292

The foregoing appropriation item 235438, Choose Ohio First 59293  
Scholarship, shall be used to operate the program prescribed in 59294  
sections 3333.60 to 3333.69 of the Revised Code. 59295

During each fiscal year, the Chancellor of Higher Education, 59296  
as soon as possible after cancellation, may certify to the 59297  
Director of Budget and Management the amount of canceled 59298  
prior-year encumbrances in appropriation item 235438, Choose Ohio 59299  
First Scholarship. Upon receipt of the certification, the Director 59300  
of Budget and Management may transfer cash, up to the certified 59301  
amount, from the General Revenue Fund to the Choose Ohio First 59302  
Scholarship Reserve Fund (Fund 5PV0). 59303

**Section 381.90. ASPIRE** 59304

The foregoing appropriation item 235443, Adult Basic and 59305  
Literacy Education - State, shall be used to support the Aspire 59306  
program. The supported programs shall satisfy the state match and 59307  
maintenance of effort requirements for the state-administered 59308  
grant program. 59309

**Section 381.100.** OHIO TECHNICAL CENTERS FUNDING 59310

The foregoing appropriation item 235444, Ohio Technical 59311  
Centers, shall be used by the Chancellor of Higher Education to 59312  
support post-secondary adult career-technical education. The 59313  
Chancellor shall provide coordination for Ohio Technical Centers 59314  
through program approval processes, data collection of program and 59315  
student outcomes, and subsidy disbursements from the foregoing 59316  
appropriation item 235444, Ohio Technical Centers. 59317

(A)(1) As soon as possible in each fiscal year, in accordance 59318  
with instructions of the Chancellor, each Ohio Technical Center 59319  
shall report its actual data, consistent with the definitions in 59320  
the Higher Education Information (HEI) system's files, to the 59321  
Chancellor. 59322

(a) In defining the number of full-time equivalent students 59323  
for state subsidy purposes, the Chancellor shall exclude all 59324  
students who are not residents of Ohio. 59325

(b) A full-time equivalent student shall be defined as a 59326  
student who completes 450 hours. Those students that complete some 59327  
portion of 450 hours shall be counted as a partial full-time 59328  
equivalent for funding purposes, while students that complete more 59329  
than 450 hours shall be counted as proportionally greater than one 59330  
full-time equivalent. 59331

(c) In calculating each Ohio Technical Center's full-time 59332  
equivalent students, the Chancellor shall use a three-year 59333  
average. 59334

(d) Ohio Technical Centers shall operate with, or be an 59335  
active candidate for, accreditation by an accreditor authorized by 59336  
the United States Department of Education to be eligible to 59337  
receive subsidies from the foregoing appropriation item 235444, 59338  
Ohio Technical Centers. 59339

(2) In each fiscal year, 25 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis.

(3) In each fiscal year, 20 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention.

(4) In each fiscal year, 50 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Strengthening Career and Technical Education for the 21st Century Act, 20 U.S.C. 2323 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study.

(5) In each fiscal year, five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have earned a credential from an industry-recognized third party.

(B) Of the foregoing appropriation item 235444, Ohio Technical Centers, up to 2.38 per cent in each fiscal year may be distributed by the Chancellor to the Ohio Central School System, up to \$48,000 in each fiscal year may be utilized for assistance

for Ohio Technical Centers, and up to \$3,000,000 in each fiscal year may be distributed by the Chancellor to Ohio Technical Centers that provide customized training and business consultation services with matching local dollars, with preference to industries on the in-demand jobs list created under section 6301.11 of the Revised Code, industries in regionally emerging fields, or local businesses and industries. Each center meeting this requirement shall receive at least \$25,000 but not more than a maximum amount determined by the Chancellor.

(C) The remainder of the foregoing appropriation item 235444, Ohio Technical Centers, in each fiscal year shall be distributed in accordance with division (A) of this section.

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL CENTERS

(1) In each fiscal year, no Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under division (A)(5) of this section, that is less than 50 per cent of the average allocation the Center received, excluding funding for third party credentials, in the three prior fiscal years.

(2) In order to ensure that no Center receives less than the amounts identified for each fiscal year in accordance with division (D)(1) of this section, funds shall be made available to support the phase-in allocation by proportionally reducing formula earnings from each Center not receiving phase-in funding.

**Section 381.110.** AREA HEALTH EDUCATION CENTERS PROGRAM SUPPORT

The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor

of Higher Education to support the medical school regional area 59402  
health education centers' educational programs for the continued 59403  
support of medical and other health professions education and for 59404  
support of the Area Health Education Center Program. 59405

**Section 381.120. CAMPUS SAFETY AND TRAINING** 59406

The foregoing appropriation item 235492, Campus Safety and 59407  
Training, shall be used by the Chancellor of Higher Education for 59408  
the purpose of developing model best practices for preventing and 59409  
responding to power and gender-based violence on campus. The 59410  
Chancellor, in consultation with state institutions of higher 59411  
education as defined in section 3345.011 of the Revised Code and 59412  
private nonprofit institutions of higher education holding 59413  
certificates of authorization under Chapter 1713. of the Revised 59414  
Code, shall continue to develop model best practices in line with 59415  
emerging trends, research, and evidence-based training for 59416  
preventing and responding to power and gender-based violence and 59417  
protecting students and staff who are victims of power and 59418  
gender-based violence on campus. The Chancellor shall convene 59419  
state institutions of higher education and private nonprofit 59420  
institutions of higher education in the training and 59421  
implementation of best practices regarding campus power and 59422  
gender-based violence. 59423

**Section 381.140. STATE SHARE OF INSTRUCTION FORMULAS** 59424

The Chancellor of Higher Education shall establish procedures 59425  
to allocate the foregoing appropriation item 235501, State Share 59426  
of Instruction, based on the formulas detailed in this section 59427  
that utilize the enrollment, course completion, degree attainment, 59428  
and student achievement factors reported annually by each state 59429  
institution of higher education participating in the Higher 59430  
Education Information (HEI) system. 59431

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 59432  
COMPLETIONS 59433

(1) As soon as possible during each fiscal year of the 59434  
biennium ending June 30, 2023, in accordance with instructions of 59435  
the Department of Higher Education, each state institution of 59436  
higher education shall report its actual data, consistent with the 59437  
definitions in the Higher Education Information (HEI) system's 59438  
enrollment files, to the Chancellor of Higher Education. 59439

(2) In defining the number of full-time equivalent students 59440  
for state subsidy instructional cost purposes, the Chancellor 59441  
shall exclude all undergraduate students who are not residents of 59442  
Ohio or who do not meet the definition of residency for state 59443  
subsidy and tuition surcharge purposes, except those charged 59444  
in-state fees in accordance with reciprocity agreements made under 59445  
section 3333.17 of the Revised Code or employer contracts entered 59446  
into under section 3333.32 of the Revised Code. 59447

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 59448

For purposes of calculating state share of instruction 59449  
allocations, the total instructional costs per full-time 59450  
equivalent student shall be: 59451

Model	Fiscal Year 2022	Fiscal Year 2023	
ARTS AND HUMANITIES 1	\$9,482	\$9,663	59452
ARTS AND HUMANITIES 2	\$13,675	\$13,936	59453
ARTS AND HUMANITIES 3	\$16,402	\$16,715	59454
ARTS AND HUMANITIES 4	\$24,051	\$24,511	59455
ARTS AND HUMANITIES 5	\$42,322	\$43,131	59456
ARTS AND HUMANITIES 6	\$40,174	\$40,942	59457
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$9,167	\$9,342	59458
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,756	\$9,943	59459

BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,701	\$12,944	59461
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$14,599	\$14,878	59462
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$23,626	\$24,077	59463
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$26,009	\$26,507	59464
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$36,053	\$36,742	59465
DOCTORAL 1	\$49,062	\$50,000	59466
DOCTORAL 2	\$53,655	\$54,681	59467
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$9,077	\$9,251	59468
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$11,912	\$12,139	59469
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$13,624	\$13,884	59470
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$15,737	\$16,038	59471
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,380	\$19,750	59472
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$21,044	\$21,446	59473
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$25,629	\$26,119	59474

SCIENCE, TECHNOLOGY, \$40,444 \$41,217 59475  
ENGINEERING, MATHEMATICS,  
MEDICINE 8

SCIENCE, TECHNOLOGY, \$54,427 \$55,467 59476  
ENGINEERING, MATHEMATICS,  
MEDICINE 9

Doctoral I and Doctoral II models shall be allocated in 59477  
accordance with division (D)(2) of this section. 59478

Medical I and Medical II models shall be allocated in 59479  
accordance with divisions (D)(3) and (D)(4) of this section. 59480

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 59481  
AND GRADUATE WEIGHTS 59482

For the purpose of implementing the recommendations of the 59483  
2006 State Share of Instruction Consultation and the Higher 59484  
Education Funding Study Council that priority be given to 59485  
maintaining state support for science, technology, engineering, 59486  
mathematics, medicine, and graduate programs, the costs in 59487  
division (B) of this section shall be weighted by the amounts 59488  
provided below: 59489

Model	Fiscal Year 2022	Fiscal Year 2023	
ARTS AND HUMANITIES 1	1.0000	1.0000	59491
ARTS AND HUMANITIES 2	1.0000	1.0000	59492
ARTS AND HUMANITIES 3	1.0000	1.0000	59493
ARTS AND HUMANITIES 4	1.0000	1.0000	59494
ARTS AND HUMANITIES 5	1.0425	1.0425	59495
ARTS AND HUMANITIES 6	1.0425	1.0425	59496
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	59497
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	59498
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	59499

BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	59500
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	59501
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	59502
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	59503
DOCTORAL 1	1.0000	1.0000	59504
DOCTORAL 2	1.0000	1.0000	59505
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	59506
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	59507
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	59508
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	59509
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	59510
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	59511
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	59512
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.5675	1.5675	59513

MEDICINE 8

SCIENCE, TECHNOLOGY, 1.1361 1.1361 59514  
ENGINEERING, MATHEMATICS,

MEDICINE 9

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 59515  
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES 59516

(1) Of the foregoing appropriation item 235501, State Share 59517  
of Instruction, 50 per cent of the appropriation for universities, 59518  
as established in division (A)(2) of the section of this act 59519  
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 59520  
2023," in each fiscal year shall be reserved for support of 59521  
associate, baccalaureate, master's, and professional level degree 59522  
attainment. 59523

The degree attainment funding shall be allocated to 59524  
universities in proportion to each campus's share of the total 59525  
statewide degrees granted, weighted by the cost of the degree 59526  
programs. The degree cost calculations shall include the model 59527  
cost weights for the science, technology, engineering, 59528  
mathematics, and medicine models as established in division (C) of 59529  
this section. 59530

For degrees including credits earned at multiple 59531  
institutions, degree attainment funding shall be allocated to 59532  
universities in proportion to each campus's share of the 59533  
student-specific cost of earned credits for the degree. Each 59534  
institution shall receive its prorated share of degree funding for 59535  
credits earned at that institution. Cost of credits not earned at 59536  
a university main or regional campus shall be credited to the 59537  
degree-granting institution for the first degree earned by a 59538  
student at each degree level. The cost credited to the 59539  
degree-granting institution shall not be eligible for at-risk 59540  
weights and shall be limited to 12.5 per cent of the 59541  
student-specific degree costs. However, the 12.5 per cent 59542

limitation shall not apply if the student transferred 12 or fewer 59543  
credits into the degree granting institution. 59544

In calculating the subsidy entitlements for degree attainment 59545  
for universities, the Chancellor shall use the following count of 59546  
degrees and degree costs: 59547

(a) The subsidy eligible undergraduate degrees shall be 59548  
defined as follows: 59549

(i) The subsidy eligible degrees conferred to students 59550  
identified as residents of the state of Ohio in any term of their 59551  
studies, as reported through the Higher Education Information 59552  
(HEI) system student enrollment file, shall be weighted by a 59553  
factor of 1. 59554

(ii) The subsidy eligible degrees conferred to students 59555  
identified as out-of-state residents during all terms of their 59556  
studies, as reported through the Higher Education Information 59557  
(HEI) system student enrollment file, who remain in the state of 59558  
Ohio at least one year after graduation, as calculated based on 59559  
the three-year average in-state residency rate using the 59560  
Unemployment Wage data for out-of-state graduates at each 59561  
institution, shall be weighted by a factor of 50 per cent. 59562

(iii) Subsidy eligible associate degrees are defined as those 59563  
earned by students attending any state-supported university main 59564  
or regional campus. 59565

(b) In calculating each campus's count of degrees, the 59566  
Chancellor shall use the three-year average associate, 59567  
baccalaureate, master's, and professional degrees awarded for the 59568  
most recent completed three-year period that is practicable as 59569  
agreed to by the Inter-University Council and the Chancellor. 59570

(i) If a student is awarded an associate degree and, 59571  
subsequently, is awarded a baccalaureate degree, the amount funded 59572  
for the baccalaureate degree shall be limited to either the 59573

difference in cost between the cost of the baccalaureate degree 59574  
and the cost of the associate degree paid previously, or if the 59575  
associate degree has a higher cost than the baccalaureate degree, 59576  
the cost of the credits earned by the student after the associate 59577  
degree was awarded. 59578

(ii) If a student earns an associate degree then, 59579  
subsequently, earns a baccalaureate degree, the associate degree 59580  
granting institution shall only receive the prorated share of the 59581  
baccalaureate degree funding for the credits earned at that 59582  
institution after the associate degree is awarded. 59583

(iii) If a student earns more than one degree at the same 59584  
institution at the same degree level in the same fiscal year, the 59585  
funding for the highest cost degree shall be prorated among 59586  
institutions based on where the credits were earned and additional 59587  
degrees shall be funded at 25 per cent of the cost of the degrees. 59588

(c) Associate degrees and baccalaureate degrees earned by a 59589  
student defined as at-risk based on academic underpreparation, 59590  
age, minority status, financial status, or first generation 59591  
post-secondary status based on neither parent completing any 59592  
education beyond high school, shall be defined as degrees earned 59593  
by an at-risk student and shall be weighted by the following: 59594

A student-specific degree completion weight, where the weight 59595  
is calculated based on the at-risk factors of the individual 59596  
student, determined by calculating the difference between the 59597  
percentage of students with each risk factor who earned a degree 59598  
and the percentage of non-at-risk students who earned a degree. 59599

(2) Of the foregoing appropriation item 235501, State Share 59600  
of Instruction, up to 11.78 per cent of the appropriation for 59601  
universities, as established in division (A)(2) of the section of 59602  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 59603  
2022 and 2023," in each fiscal year shall be reserved for support 59604

of doctoral programs to implement the funding recommendations made 59605  
by representatives of the universities. The amount so reserved 59606  
shall be referred to as the doctoral set-aside. 59607

In each fiscal year, the doctoral set-aside funding 59608  
allocation shall be allocated to universities as follows: 59609

(a) 25 per cent of the doctoral set-aside shall be allocated 59610  
to universities in proportion to their share of the statewide 59611  
total earnings of each state institution's three-year average 59612  
course completions. The subsidy eligible enrollments by model 59613  
shall equal only those FTE students who successfully complete the 59614  
course as defined and reported through the Higher Education 59615  
Information (HEI) system course enrollment file. Course completion 59616  
earnings shall be determined by multiplying the amounts listed 59617  
above in divisions (B) and (C) of this section by the 59618  
subsidy-eligible FTEs for the most recent completed three-year 59619  
period that is practicable as agreed to by the Inter-University 59620  
Council and the Chancellor for all doctoral enrollments in 59621  
graduate-level models. 59622

(b) 50 per cent of the doctoral set-aside shall be allocated 59623  
to universities in proportion to each campus's share of the total 59624  
statewide doctoral degrees, weighted by the cost of the doctoral 59625  
discipline. In calculating each campus's doctoral degrees the 59626  
Chancellor shall use the three-year average doctoral degrees 59627  
awarded for the most recent completed three-year period that is 59628  
practicable as agreed to by the Inter-University Council and the 59629  
Chancellor. 59630

(c) 25 per cent of the doctoral set-aside shall be allocated 59631  
to universities in proportion to their share of research grant 59632  
activity. Funding for this component shall be allocated to 59633  
eligible universities in proportion to their share of research 59634  
grant activity published by the National Science Foundation. Grant 59635  
awards from the Department of Health and Human Services shall be 59636

weighted at 50 per cent. 59637

(3) Of the foregoing appropriation item 235501, State Share 59638  
of Instruction, 6.41 per cent of the appropriation for 59639  
universities, as established in division (A)(2) of the section of 59640  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 59641  
2022 AND 2023," in each fiscal year shall be reserved for support 59642  
of Medical II FTEs. The amount so reserved shall be referred to as 59643  
the medical II set-aside. 59644

The medical II set-aside shall be allocated to universities 59645  
in proportion to their share of the statewide total of each state 59646  
institution's three-year average Medical II FTEs as calculated in 59647  
division (A) of this section. 59648

In calculating the core subsidy entitlements for Medical II 59649  
models only, students repeating terms may be no more than five per 59650  
cent of current year enrollment. 59651

(4) Of the foregoing appropriation item 235501, State Share 59652  
of Instruction, 1.48 per cent of the appropriation for 59653  
universities, as established in division (A)(2) of the section of 59654  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 59655  
2022 AND 2023," in each fiscal year shall be reserved for support 59656  
of Medical I FTEs. The amount so reserved shall be referred to as 59657  
the medical I set-aside. 59658

The medical I set-aside shall be allocated to universities in 59659  
proportion to their share of the statewide total of each state 59660  
institution's three-year average Medical I FTEs as calculated in 59661  
division (A) of this section. 59662

(5) In calculating the course completion funding for 59663  
universities, the Chancellor shall use the following count of FTE 59664  
students: 59665

(a) The subsidy eligible enrollments by model shall equal 59666  
only those FTE students who successfully complete the course as 59667

defined and reported through the Higher Education Information 59668  
(HEI) system course enrollment file; 59669

(b) Those undergraduate FTE students with successful course 59670  
completions, identified in division (D)(5)(a) of this section, 59671  
that are defined as at-risk based on academic under-preparation or 59672  
financial status shall have their eligible completions weighted by 59673  
the following: 59674

(i) Institution-specific course completion indexes, where the 59675  
indexes are calculated based upon the number of at-risk students 59676  
enrolled during the 2018-2020 academic years; and 59677

(ii) A statewide average at-risk course completion weight 59678  
determined for each subsidy model. The statewide average at-risk 59679  
course completion weight shall be determined by calculating the 59680  
difference between the percentage of traditional students who 59681  
complete a course and the percentage of at-risk students who 59682  
complete the same course. 59683

(c) The course completion earnings shall be determined by 59684  
multiplying the amounts listed above in divisions (B) and (C) of 59685  
this section by the subsidy-eligible FTEs for the most recent 59686  
completed three-year period that is practicable as agreed to by 59687  
the Inter-University Council and the Chancellor for all models 59688  
except Medical I and Medical II. 59689

(d) For universities, the Chancellor shall compute the course 59690  
completion earnings by dividing the appropriation for 59691  
universities, established in division (A)(2) of the section of 59692  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 59693  
2022 AND 2023," less the degree attainment funding as calculated 59694  
in division (D)(1) of this section, less the doctoral set-aside, 59695  
less the medical I set-aside, and less the medical II set-aside, 59696  
by the sum of all campuses' instructional costs as calculated in 59697  
division (D)(5) of this section. 59698

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA	59699
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES	59700
(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved for course completion FTEs as aggregated by the subsidy models defined in division (B) of this section.	59701 59702 59703 59704 59705 59706 59707 59708
The course completion funding shall be allocated to campuses in proportion to each campus's share of the total sector's course completions, weighted by the instructional cost of the subsidy models.	59709 59710 59711 59712
To calculate the subsidy entitlements for course completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:	59713 59714 59715
(a) In calculating each campus's count of FTE course completions, the Chancellor shall use a three-year average for course completions for the three year period ending in the prior year for students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file.	59716 59717 59718 59719 59720 59721
(b) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file.	59722 59723 59724 59725
(c) Those students with successful course completions, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible course completions weighted by a statewide access weight.	59726 59727 59728 59729

The weight given to any student that meets any access factor shall be 15 per cent for all course completions.

(d) The model costs as used in the calculation shall be augmented by the model weights for science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved for colleges in proportion to their share of college student success factors.

Student success factors shall be awarded at the institutional level for each subsidy-eligible student that successfully:

(a) Completes a college-level math course within the first 30 hours of completed coursework.

(b) Completes a college-level English course within the first 30 hours of completed coursework.

(c) Completes 12 semester credit hours of college-level coursework.

(d) Completes 24 semester credit hours of college-level coursework.

(e) Completes 36 semester credit hours of college-level coursework.

(3) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges, as established in division (A)(1) of the

section of this act entitled "STATE SHARE OF INSTRUCTION FOR 59760  
FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved 59761  
for completion milestones. 59762

Completion milestones shall include associate degrees, 59763  
technical certificates over 30 credit hours as designated by the 59764  
Department of Higher Education, and students transferring to any 59765  
four-year institution with at least 12 credit hours of 59766  
college-level coursework earned at that community college, state 59767  
community college, or technical college. 59768

The completion milestone funding shall be allocated to 59769  
colleges in proportion to each institution's share of the sector's 59770  
total completion milestones, weighted by the instructional cost of 59771  
the associate degree, certificate, or transfer models. Costs for 59772  
technical certificates over 30 hours shall be weighted at one-half 59773  
of the associate degree model costs and transfers with at least 12 59774  
credit hours of college-level coursework shall be weighted at 59775  
one-fourth of the average cost for all associate degree model 59776  
costs. 59777

(4) To calculate the subsidy entitlements for completions at 59778  
community colleges, state community colleges, and technical 59779  
colleges, the Chancellor shall use the following calculations: 59780

(a) In calculating each campus's count of completions, the 59781  
Chancellor shall use a three-year average for completion 59782  
milestones awarded to students identified as subsidy eligible in 59783  
any term of their studies, as reported through the Higher 59784  
Education Information (HEI) system student enrollment file. 59785

(b) The subsidy eligible completion milestones by model shall 59786  
equal only those students who successfully complete an associate 59787  
degree or technical certificate over 30 credit hours, or transfer 59788  
to any four-year institution with at least 12 credit hours of 59789  
college-level coursework as defined and reported in the Higher 59790

Education Information (HEI) system. Student completions reported 59791  
in HEI shall have an accompanying course enrollment record in 59792  
order to be subsidy eligible. 59793

(c) Those students with successful completions for associate 59794  
degrees, technical certificates over 30 credit hours, or transfer 59795  
to any four-year institution with at least 12 credit hours of 59796  
college-level coursework, identified in division (E)(3) of this 59797  
section, that are defined as access students based on financial 59798  
status, minority status, age, or academic under-preparation shall 59799  
have their eligible completions weighted by a statewide access 59800  
weight. The weight shall be 25 per cent for students with one 59801  
access factor, 66 per cent for students with two access factors, 59802  
150 per cent for students with three access factors, and 200 per 59803  
cent for students with four access factors. 59804

(d) For those students who complete more than one completion 59805  
milestone, funding for each additional associate degree or 59806  
technical certificate over 30 credit hours designated as such by 59807  
the Department of Higher Education shall be funded at 50 per cent 59808  
of the model costs as defined in division (E)(3) of this section. 59809

(5) For purposes of the calculations made in division (E) of 59810  
this section, the Chancellor shall only include subsidy-eligible 59811  
students identified as residents of the state of Ohio in any term 59812  
of their studies, as reported through the Higher Education 59813  
Information (HEI) system student enrollment file. The Chancellor 59814  
shall be prohibited from including nonresident students as 59815  
subsidy-eligible except for those students otherwise identified as 59816  
subsidy-eligible in division (A)(2) of this section. 59817

(F) CAPITAL COMPONENT DEDUCTION 59818

After all other adjustments have been made, state share of 59819  
instruction earnings shall be reduced for each campus by the 59820  
amount, if any, by which debt service charged in H.B. 16 of the 59821

126th General Assembly, H.B. 699 of the 126th General Assembly, 59822  
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 127th 59823  
General Assembly for that campus exceeds that campus's capital 59824  
component earnings. The sum of the amounts deducted shall be 59825  
transferred to appropriation item 235552, Capital Component, in 59826  
each fiscal year. 59827

(G) EXCEPTIONAL CIRCUMSTANCES 59828

Adjustments may be made to the state share of instruction 59829  
payments and other subsidies distributed by the Chancellor of 59830  
Higher Education to state colleges and universities for 59831  
exceptional circumstances. No adjustments for exceptional 59832  
circumstances may be made without the recommendation of the 59833  
Chancellor and the approval of the Controlling Board. 59834

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 59835  
INSTRUCTION 59836

The standard provisions of the state share of instruction 59837  
calculation as described in the preceding sections of temporary 59838  
law shall apply to any reductions made to appropriation item 59839  
235501, State Share of Instruction, before the Chancellor has 59840  
formally approved the final allocation of the state share of 59841  
instruction funds for any fiscal year. 59842

Any reductions made to appropriation item 235501, State Share 59843  
of Instruction, after the Chancellor has formally approved the 59844  
final allocation of the state share of instruction funds for any 59845  
fiscal year, shall be uniformly applied to each campus in 59846  
proportion to its share of the final allocation. 59847

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 59848

The state share of instruction payments to the institutions 59849  
shall be in substantially equal monthly amounts during the fiscal 59850  
year, unless otherwise determined by the Director of Budget and 59851  
Management pursuant to section 126.09 of the Revised Code. 59852

Payments during the first six months of the fiscal year may be 59853  
based upon the state share of instruction appropriation estimates 59854  
made for the various institutions of higher education and payments 59855  
during the last six months of the fiscal year may be based on the 59856  
final data from the Chancellor. If agreed to by the Chancellor and 59857  
the Inter-University Council, payments to universities in each 59858  
month of a fiscal year shall be based on final data in the higher 59859  
education information system for the selected three-year period 59860  
that is acceptable to both parties. 59861

(J) STUDY ON THE USE OF AT-RISK WEIGHTS IN THE STATE SHARE OF 59862  
INSTRUCTION FORMULAS 59863

The Chancellor of Higher Education, with the assistance of 59864  
the Inter-University Council and the Ohio Association of Community 59865  
Colleges, shall study the most appropriate definitions of at-risk 59866  
students and formula weights for at-risk students that may be used 59867  
in the distribution to universities and community colleges from 59868  
the foregoing appropriation item 235501, State Share of 59869  
Instruction, beginning in fiscal year 2024. The study shall do all 59870  
of the following: 59871

(1) Examine and evaluate the impact on formula distributions 59872  
of the at-risk weights that have been used in the state share of 59873  
instruction formulas since the inception of a performance-based 59874  
funding model in Ohio, including the overall level of at-risk 59875  
funding, the distribution of such funding among the state 59876  
institutions of higher education, and the impact of such funding 59877  
on institutional outcomes such as course completion and degree or 59878  
certificate completion; 59879

(2) Research the use of at-risk weights in the funding 59880  
formulas of other states; 59881

(3) Survey the academic research on at-risk weights in higher 59882  
education allocation formulas, particularly in the context of 59883

performance-based funding; 59884

(4) Make recommendations on the definitions of at-risk 59885  
students, the funding formula weights for such identified 59886  
students, and the level of funding for at-risk students. The 59887  
recommendations should have as their objectives fairness, 59888  
simplicity, transparency, and the provision of sufficient 59889  
incentives to increase the course completion and degree completion 59890  
of at-risk students in state institutions of higher education. 59891  
Separate definitions and weighting schemes may be considered 59892  
within each sector's share of the foregoing appropriation item 59893  
235501, State Share of Instruction. 59894

The study shall be completed by June 30, 2022. 59895

**Section 381.150.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 59896  
2022 AND 2023 59897

(A) The foregoing appropriation item 235501, State Share of 59898  
Instruction, shall be distributed according to the section of this 59899  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 59900

(1) Of the foregoing appropriation item 235501, State Share 59901  
of Instruction, \$474,064,305 in fiscal year 2022 and \$478,463,002 59902  
in fiscal year 2023 shall be distributed to state-supported 59903  
community colleges, state community colleges, and technical 59904  
colleges. 59905

(2) Of the foregoing appropriation item 235501, State Share 59906  
of Instruction, \$1,582,613,811 in fiscal year 2022 and 59907  
\$1,597,298,400 in fiscal year 2023 shall be distributed to 59908  
state-supported university main and regional campuses. 59909

(B) Any increases in the amount distributed to an institution 59910  
from appropriation item 235501, State Share of Instruction, above 59911  
the prior year shall be used by the institution to provide 59912  
need-based aid and to provide counseling, support services, and 59913

workforce preparation services to students. 59914

**Section 381.160.** RESTRICTION ON FEE INCREASES 59915

(A) In fiscal years 2022 and 2023, the boards of trustees of 59916  
state institutions of higher education shall restrain increases in 59917  
in-state undergraduate instructional and general fees. 59918

(1) For the 2021-2022 and 2022-2023 academic years, all of 59919  
the following shall apply: 59920

(a) Each state university or college, as defined in section 59921  
3345.12 of the Revised Code and university branch established 59922  
under Chapter 3355. of the Revised Code shall not increase its 59923  
in-state undergraduate instructional and general fees by more than 59924  
two per cent over what the institution charged for the previous 59925  
academic year. 59926

(b) Each community college established under Chapter 3354., 59927  
state community college established under Chapter 3358., or 59928  
technical college established under Chapter 3357. of the Revised 59929  
Code may increase its in-state undergraduate instructional and 59930  
general fees by not more than five dollars per credit hour over 59931  
what the institution charged for the previous academic year. 59932

(c) For state institutions of higher education, as defined in 59933  
section 3345.011 of the Revised Code, increases for all other 59934  
special fees, including the creation of new special fees, shall be 59935  
subject to the approval of the Chancellor of Higher Education. 59936

(2) The limitations under division (A)(1) of this section do 59937  
not apply to room and board, student health insurance, fees for 59938  
auxiliary goods or services provided to students at the cost 59939  
incurred to the institution, fees assessed to students as a 59940  
pass-through for licensure and certification examinations, fees in 59941  
elective courses associated with travel experiences, elective 59942  
service charges, fines, voluntary sales transactions, and fees, 59943

which may appear directly on a student's tuition bill as assessed 59944  
by the institution's bursar, to offset the cost of providing 59945  
textbooks to students. 59946

(B) The limitations under this section shall not apply to 59947  
increases required to comply with institutional covenants related 59948  
to their obligations or to meet unfunded legal mandates or legally 59949  
binding obligations incurred or commitments made prior to the 59950  
effective date of this section with respect to which the 59951  
institution had identified such fee increases as the source of 59952  
funds. Any increase required by such covenants and any such 59953  
mandates, obligations, or commitments shall be reported by the 59954  
Chancellor of Higher Education to the Controlling Board. These 59955  
limitations may also be modified by the Chancellor, with the 59956  
approval of the Controlling Board, to respond to exceptional 59957  
circumstances as identified by the Chancellor. 59958

(C) Institutions offering an undergraduate tuition guarantee 59959  
pursuant to section 3345.48 of the Revised Code may increase 59960  
instructional and general fees pursuant to that section. 59961

**Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES** 59962

(A) Funds appropriated for instructional subsidies at 59963  
colleges and universities may be used to provide such branch or 59964  
other off-campus undergraduate courses of study and such master's 59965  
degree courses of study as may be approved by the Chancellor of 59966  
Higher Education. 59967

(B) In providing instructional and other services to 59968  
students, boards of trustees of state institutions of higher 59969  
education shall supplement state subsidies with income from 59970  
charges to students. Except as otherwise provided in this act, 59971  
each board shall establish the fees to be charged to all students, 59972  
including an instructional fee for educational and associated 59973  
operational support of the institution and a general fee for 59974

noninstructional services, including locally financed student 59975  
services facilities used for the benefit of enrolled students. The 59976  
instructional fee and the general fee shall encompass all charges 59977  
for services assessed uniformly to all enrolled students. Each 59978  
board may also establish special purpose fees, service charges, 59979  
and fines as required; such special purpose fees and service 59980  
charges shall be for services or benefits furnished individual 59981  
students or specific categories of students and shall not be 59982  
applied uniformly to all enrolled students. A tuition surcharge 59983  
shall be paid by all students who are not residents of Ohio. 59984

The board of trustees of a state institution of higher 59985  
education shall not authorize a waiver or nonpayment of 59986  
instructional fees or general fees for any particular student or 59987  
any class of students other than waivers specifically authorized 59988  
by law or approved by the Chancellor. This prohibition is not 59989  
intended to limit the authority of boards of trustees to provide 59990  
for payments to students for services rendered the institution, 59991  
nor to prohibit the budgeting of income for staff benefits or for 59992  
student assistance in the form of payment of such instructional 59993  
and general fees. 59994

Each state institution of higher education in its statement 59995  
of charges to students shall separately identify the instructional 59996  
fee, the general fee, the tuition charge, and the tuition 59997  
surcharge. Fee charges to students for instruction shall not be 59998  
considered to be a price of service but shall be considered to be 59999  
an integral part of the state government financing program in 60000  
support of higher educational opportunity for students. 60001

(C) The boards of trustees of state institutions of higher 60002  
education shall ensure that faculty members devote a proper and 60003  
judicious part of their work week to the actual instruction of 60004  
students. Total class credit hours of production per academic term 60005  
per full-time faculty member is expected to meet the standards set 60006

forth in the budget data submitted by the Chancellor of Higher Education. 60007  
60008

(D) The authority of government vested by law in the boards of trustees of state institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served. 60009  
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**Section 381.180. WAR ORPHANS AND SEVERELY DISABLED VETERANS' CHILDREN SCHOLARSHIPS** 60025  
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The foregoing appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships, shall be used to reimburse state institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to institutions that have received a certificate of authorization from the Chancellor of Higher Education under Chapter 1713. of the Revised Code, in accordance with the provisions of section 5910.04 of the Revised Code, and to fund additional scholarship benefits provided by section 5910.032 of the Revised Code. 60027  
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During each fiscal year, the Chancellor, as soon as possible 60037

after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the War Orphans and Severely Disabled Veterans' Children Scholarship Reserve Fund (Fund 5PW0).

**Section 381.200. OHIOLINK**

The foregoing appropriation item 235507, OhioLINK, shall be used by the Chancellor of Higher Education to support OhioLINK, a consortium organized under division (T) of section 3333.04 of the Revised Code to serve as the state's electronic library information and retrieval system, which provides access statewide to an extensive set of electronic databases and resources, the library holdings of Ohio's public and participating private nonprofit colleges and universities, and the State Library of Ohio.

**Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY**

Of the foregoing appropriation item 235508, Air Force Institute of Technology, \$75,000 in each fiscal year shall be allocated to the Aerospace Professional Development Center in Dayton for statewide workforce development services in the aerospace industry.

The remainder of the foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to: (A) strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio; and (B) support the Defense Associated Graduate Student Innovators, an engineering graduate consortium of Wright State University, the

University of Dayton, and the Air Force Institute of Technology, 60068  
with the participation of the University of Cincinnati and The 60069  
Ohio State University. 60070

**Section 381.220. OHIO SUPERCOMPUTER CENTER** 60071

The foregoing appropriation item 235510, Ohio Supercomputer 60072  
Center, shall be used by the Chancellor of Higher Education to 60073  
support the operation of the Ohio Supercomputer Center, a 60074  
consortium organized under division (T) of section 3333.04 of the 60075  
Revised Code, located at The Ohio State University. The Ohio 60076  
Supercomputer Center is a statewide resource available to Ohio 60077  
research universities both public and private. It is also intended 60078  
that the center be made accessible to private industry as 60079  
appropriate. 60080

The Ohio Supercomputer Center's services shall support Ohio's 60081  
colleges, universities, and businesses to make Ohio a leader in 60082  
using computational science, modeling, and simulation to promote 60083  
higher education, research, and economic competitiveness. 60084

**Section 381.230. COOPERATIVE EXTENSION SERVICE** 60085

The foregoing appropriation item 235511, Cooperative 60086  
Extension Service, shall be disbursed through the Chancellor of 60087  
Higher Education to The Ohio State University in monthly payments, 60088  
unless otherwise determined by the Director of Budget and 60089  
Management under section 126.09 of the Revised Code. 60090

**Section 381.240. CENTRAL STATE SUPPLEMENT** 60091

The foregoing appropriation item 235514, Central State 60092  
Supplement, shall be disbursed by the Chancellor of Higher 60093  
Education to Central State University. Funds shall be used in a 60094  
manner consistent with the goals of increasing enrollment, 60095  
improving course completion, and increasing the number of degrees 60096

conferred. 60097

**Section 381.250.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE 60098  
60099

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities. 60100  
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**Section 381.260.** FAMILY PRACTICE 60107

The foregoing appropriation item 235519, Family Practice, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a family practice and graduates practicing in a family practice. 60108  
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**Section 381.270.** SHAWNEE STATE SUPPLEMENT 60112

The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of Higher Education to Shawnee State University. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region. 60113  
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**Section 381.280.** GERIATRIC MEDICINE 60119

The Chancellor of Higher Education shall distribute appropriation item 235525, Geriatric Medicine, consistent with existing criteria and guidelines. 60120  
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**Section 381.285.** PRIMARY CARE RESIDENCIES 60123

The foregoing appropriation item 235526, Primary Care Residencies, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a primary care field and graduates practicing in a primary care field.

**Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER**

The foregoing appropriation item 235535, Ohio Agricultural Research and Development Center, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs shall be evaluated and rewarded consistent with agreed-upon performance expectations as called for in the College's Expectations and Criteria for Performance Assessment.

**Section 381.300. STATE UNIVERSITY CLINICAL TEACHING**

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Chancellor of Higher Education.

**Section 381.310.** CENTRAL STATE AGRICULTURAL RESEARCH AND DEVELOPMENT 60153  
60154

The foregoing appropriation item 235546, Central State Agricultural Research and Development, shall be used in conjunction with appropriation item 235548, Central State Cooperative Extension Services, by Central State University for its state match requirement as an 1890 land grant university. 60155  
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**Section 381.320.** CAPITAL COMPONENT 60160

The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of Higher Education to provide funding for prior commitments made pursuant to the state's former capital funding policy for state colleges and universities that was originally established in H.B. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to qualifying capital projects was less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to qualifying capital projects from the campus's formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes. 60161  
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Any campus for which the estimated campus debt service attributable to qualifying capital projects is greater than the campus's formula-determined capital component allocation shall have the difference subtracted from its State Share of Instruction allocation in each fiscal year. Appropriation equal to the sum of all such amounts shall be transferred from appropriation item 235501, State Share of Instruction, to appropriation item 235552, Capital Component. 60175  
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**Section 381.330. LIBRARY DEPOSITORIES** 60183

The foregoing appropriation item 235555, Library 60184  
Depositories, shall be distributed to the state's five regional 60185  
depository libraries for the cost-effective storage of and access 60186  
to lesser-used materials in university library collections. The 60187  
depositories shall be administrated by the Chancellor of Higher 60188  
Education, or by OhioLINK at the discretion of the Chancellor. 60189

**Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 60190

The foregoing appropriation item 235556, Ohio Academic 60191  
Resources Network, shall be used by the Chancellor of Higher 60192  
Education to support the operations of the Ohio Academic Resources 60193  
Network, a consortium organized under division (T) of section 60194  
3333.04 of the Revised Code, which shall include support for 60195  
Ohio's colleges and universities in maintaining and enhancing 60196  
network connections, using new network technologies to improve 60197  
research, education, and economic development programs, and 60198  
sharing information technology services. To the extent network 60199  
capacity is available, OARnet shall support allocating bandwidth 60200  
to eligible programs directly supporting Ohio's economic 60201  
development. 60202

**Section 381.350. LONG-TERM CARE RESEARCH** 60203

The foregoing appropriation item 235558, Long-term Care 60204  
Research, shall be disbursed to Miami University for long-term 60205  
care research. 60206

**Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT** 60207

(A)(1) As used in this section: 60208

(a) "Eligible institution" means any institution described in 60209  
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 60210

Code. 60211

(b) The three "sectors" of institutions of higher education 60212  
consist of the following: 60213

(i) State colleges and universities, community colleges, 60214  
state community colleges, university branches, and technical 60215  
colleges; 60216

(ii) Eligible private nonprofit institutions of higher 60217  
education; 60218

(iii) Eligible private for-profit career colleges and 60219  
schools. 60220

(2) Awards for students attending an eligible institution 60221  
shall be determined by the Chancellor. 60222

For students attending an eligible institution year-round, 60223  
awards may be distributed on an annual basis, once Pell grants 60224  
have been exhausted. 60225

(3) If the Chancellor determines that the amounts 60226  
appropriated for support of the Ohio College Opportunity Grant 60227  
program are inadequate to provide grants to all eligible students 60228  
as calculated under division (D) of section 3333.122 of the 60229  
Revised Code, the Chancellor may create a distribution formula for 60230  
fiscal year 2022 and fiscal year 2023 based on the formula used in 60231  
fiscal year 2021, or may follow methods established in division 60232  
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the 60233  
Chancellor determines that reductions in award amounts are 60234  
necessary, the Chancellor shall reduce the award amounts 60235  
proportionally among the sectors of institutions specified in 60236  
division (A)(1) of this section in a manner determined by the 60237  
Chancellor. The Chancellor shall notify the Controlling Board of 60238  
the distribution method. Any formula calculated under this 60239  
division shall be complete and established to coincide with the 60240  
start of each academic year. 60241

(B) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for waivers of tuition and student fees for eligible students under the Ohio Safety Officer's College Memorial Fund Program under sections 3333.26 of the Revised Code.

In each fiscal year, with the exception of sections 3333.121 and 3333.124 of the Revised Code and the section of this act entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor shall not distribute or obligate or commit to be distributed an amount greater than what is appropriated under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

(C) The Chancellor shall establish, and post on the Department of Higher Education's web site, award tables based on any formulas created under division (A) of this section. The Chancellor shall notify students and institutions of any reductions in awards under this section.

(D) Notwithstanding section 3333.122 of the Revised Code, no student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant.

(E) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235563, Ohio College Opportunity Grant. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Ohio College Opportunity Grant Program Reserve Fund (Fund 5PU0).

**Section 381.365.** THE OHIO STATE UNIVERSITY COLLEGE OF VETERINARY MEDICINE SUPPLEMENT 60274  
60275

The foregoing appropriation item 235569, The Ohio State University College of Veterinary Medicine Supplement, shall be distributed through the Chancellor of Higher Education to The Ohio State University College of Veterinary Medicine to provide supplemental support for education, research, and operations. 60276  
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**Section 381.370.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 60281

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for support of dental and veterinary medicine clinics. 60282  
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**Section 381.373.** FEDERAL RESEARCH NETWORK 60286

The foregoing appropriation item 235578, Federal Research Network, shall be allocated to The Ohio State University to collaborate with federal installations in Ohio, state institutions of higher education as defined in section 3345.011 of the Revised Code, private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and the private sector to align the state's research assets with emerging missions and job growth opportunities emanating from federal installations, strengthen related workforce development and technology commercialization programs, and better position the state's university system to directly impact new job creation in Ohio. A portion of the foregoing appropriation item 235578, Federal Research Network, shall be used to support the growth of small business federal contractors in the state and to expand the participation of Ohio businesses in the federal Small Business Innovation Research Program and related federal programs. 60287  
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**Section 381.376.** RURAL UNIVERSITY PROGRAM 60303

The foregoing appropriation item 235598, Rural University 60304  
Program, shall be used for the Rural University Program, a 60305  
collaboration of Bowling Green State University, Kent State 60306  
University, Miami University, and Ohio University that provides 60307  
rural communities with economic development, public 60308  
administration, and public health services. Each of the four 60309  
participating universities shall receive \$100,000 in each fiscal 60310  
year to support their respective programs. 60311

**Section 381.380.** NATIONAL GUARD SCHOLARSHIP PROGRAM 60312

The Chancellor of Higher Education shall disburse funds from 60313  
appropriation item 235599, National Guard Scholarship Program. 60314  
During each fiscal year, the Chancellor, as soon as possible after 60315  
cancellation, may certify to the Director of Budget and Management 60316  
the amount of canceled prior-year encumbrances in appropriation 60317  
item 235599, National Guard Scholarship Program. Upon receipt of 60318  
the certification, the Director of Budget and Management may 60319  
transfer cash, up to the certified amount, from the General 60320  
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 60321  
5BM0). 60322

**Section 381.390.** PLEDGE OF FEES 60323

Any new pledge of fees, or new agreement for adjustment of 60324  
fees, made in the biennium ending June 30, 2023, to secure bonds 60325  
or notes of a state institution of higher education for a project 60326  
for which bonds or notes were not outstanding on the effective 60327  
date of this section or to secure a refund of prior debt that is 60328  
anticipated to increase the total cost of retiring the original 60329  
debt shall be effective only after approval by the Chancellor of 60330  
Higher Education, unless approved in a previous biennium. 60331

**Section 381.400.** HIGHER EDUCATION GENERAL OBLIGATION BOND 60332  
DEBT SERVICE 60333

The foregoing appropriation item 235909, Higher Education 60334  
General Obligation Bond Debt Service, shall be used to pay all 60335  
debt service and related financing costs during the period from 60336  
July 1, 2021, through June 30, 2023, for obligations issued under 60337  
sections 151.01 and 151.04 of the Revised Code. 60338

**Section 381.410.** SALES AND SERVICES 60339

The Chancellor of Higher Education is authorized to charge 60340  
and accept payment for the provision of goods and services. Such 60341  
charges shall be reasonably related to the cost of producing the 60342  
goods and services. Except as otherwise provided by law, no 60343  
charges may be levied for goods or services that are produced as 60344  
part of the routine responsibilities or duties of the Chancellor. 60345  
All revenues received by the Chancellor shall be deposited into 60346  
Fund 4560, and may be used by the Chancellor to pay for the costs 60347  
of producing the goods and services. 60348

**Section 381.420.** HIGHER EDUCATIONAL FACILITY COMMISSION 60349  
ADMINISTRATION 60350

The foregoing appropriation item 235602, Higher Educational 60351  
Facility Commission Administration, shall be used by the 60352  
Chancellor of Higher Education for operating expenses related to 60353  
the Chancellor's support of the activities of the Ohio Higher 60354  
Educational Facility Commission. Upon the request of the 60355  
Chancellor, the Director of Budget and Management may transfer 60356  
cash in an amount up to the amount appropriated from the foregoing 60357  
appropriation item 235602, Higher Educational Facility Commission 60358  
Administration, in each fiscal year from the HEFC Operating 60359  
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 60360  
4E80). 60361

**Section 381.460.** OHIOCORPS PROGRAM 60362

Of the appropriation item 235594, OhioCorps Program, up to 60363  
\$50,000 in each fiscal year shall be used by the Chancellor of 60364  
Higher Education to implement and administer the OhioCorps Program 60365  
pursuant to sections 3333.80 to 3333.802 of the Revised Code. 60366

The remainder of the appropriation item 235594, OhioCorps 60367  
Program, shall be used by the Chancellor of Higher Education to 60368  
assist eligible state institutions of higher education, as defined 60369  
in division (A)(4) of section 3333.80 of the Revised Code, in 60370  
establishing and administering OhioCorps mentorship programs and 60371  
scholarships under sections 3333.80 and 3333.801 of the Revised 60372  
Code. 60373

On July 1, 2021, or as soon as possible thereafter, the 60374  
Chancellor of Higher Education may certify to the Director of 60375  
Budget and Management an amount up to the unexpended, unencumbered 60376  
balance of the appropriation item, 235594, OhioCorps Program, at 60377  
the end of fiscal year 2021 to be reappropriated to fiscal year 60378  
2022. The amount certified is hereby reappropriated to the same 60379  
appropriation item for fiscal year 2022 for purposes of providing 60380  
funds to support mentorship programs and scholarships under the 60381  
OhioCorps Program. 60382

On July 1, 2022, or as soon as possible thereafter, the 60383  
Chancellor of Higher Education may certify to the Director of 60384  
Budget and Management an amount up to the unexpended, unencumbered 60385  
balance of the appropriation item, 235594, OhioCorps Program, at 60386  
the end of fiscal year 2022 to be reappropriated to fiscal year 60387  
2023. The amount certified is hereby reappropriated to the same 60388  
appropriation item for fiscal year 2023 for purposes of providing 60389  
funds to support mentorship programs and scholarships under the 60390  
OhioCorps Program. 60391

**Section 381.470.** STATE FINANCIAL AID RECONCILIATION 60392

By the first day of September in each fiscal year, or as soon 60393  
as possible thereafter, the Chancellor of Higher Education shall 60394  
certify to the Director of Budget and Management the amount 60395  
necessary to pay any outstanding prior year obligations to higher 60396  
education institutions for the state's financial aid programs. The 60397  
amounts certified are hereby appropriated to appropriation item 60398  
235618, State Financial Aid Reconciliation, from revenues received 60399  
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 60400

**Section 381.480.** NURSING LOAN PROGRAM 60401

The foregoing appropriation item 235606, Nursing Loan 60402  
Program, shall be used to administer the nurse education 60403  
assistance program. 60404

**Section 381.520.** RESEARCH INCENTIVE THIRD FRONTIER 60405

The foregoing appropriation items 235634, Research Incentive 60406  
Third Frontier, and 235639, Research Incentive Third Frontier-Tax, 60407  
shall be used by the Chancellor of Higher Education to advance 60408  
collaborative research at institutions of higher education. Of the 60409  
foregoing appropriation items 235634, Research Incentive Third 60410  
Frontier, and 235639, Research Incentive Third Frontier - Tax, up 60411  
to \$2,500,000 in each fiscal year may be allocated toward research 60412  
regarding the improvement of water quality, up to \$1,500,000 in 60413  
each fiscal year may be allocated for spinal cord research, up to 60414  
\$1,000,000 in each fiscal year may be allocated toward research 60415  
regarding the reduction of infant mortality, up to \$1,000,000 in 60416  
each fiscal year may be allocated toward research regarding opiate 60417  
addiction issues in Ohio, up to \$750,000 in each fiscal year may 60418  
be allocated toward research regarding cyber security initiatives, 60419  
up to \$300,000 in each fiscal year may be allocated toward the 60420  
I-Corps@Ohio program, and up to \$200,000 in each fiscal year may 60421

be allocated toward the Ohio Innovation Exchange program. 60422

**Section 381.530. VETERANS PREFERENCES** 60423

The Chancellor of Higher Education shall work with the 60424  
Department of Veterans Services to develop specific veterans 60425  
preference guidelines for higher education institutions. These 60426  
guidelines shall ensure that the institutions' hiring practices 60427  
are in accordance with the intent of Ohio's veterans preference 60428  
laws. 60429

**Section 381.540. (A) As used in this section:** 60430

(1) "Board of trustees" includes the managing authority of a 60431  
university branch district. 60432

(2) "State institution of higher education" has the same 60433  
meaning as in section 3345.011 of the Revised Code. 60434

(B) The board of trustees of any state institution of higher 60435  
education, notwithstanding any rule of the institution to the 60436  
contrary, may adopt a policy providing for mandatory furloughs of 60437  
employees, including faculty, to achieve spending reductions 60438  
necessitated by institutional budget deficits. 60439

**Section 381.550. EFFICIENCY REPORTS** 60440

In each fiscal year, the board of trustees of each public 60441  
institution of higher education shall approve the institution's 60442  
efficiency report submitted to the Chancellor of Higher Education 60443  
under section 3333.95 of the Revised Code. 60444

**MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS** 60445

For each fiscal year, each institution of higher education 60446  
that receives funds from the foregoing appropriation items 235515, 60447  
Case Western Reserve University School of Medicine, 235519, Family 60448  
Practice, 235525, Geriatric Medicine, 235526, Primary Care 60449

Residencies, 235536, The Ohio State University Clinical Teaching, 60450  
235537, University of Cincinnati Clinical Teaching, 235538, 60451  
University of Toledo Clinical Teaching, 235539, Wright State 60452  
University Clinical Teaching, 235540, Ohio University Clinical 60453  
Teaching, 235541, Northeast Ohio Medical University Clinical 60454  
Teaching, 235558, Long-term Care Research, and 235572, The Ohio 60455  
State University Clinic Support, shall report to the Chancellor of 60456  
Higher Education the residency status of graduates from the 60457  
respective programs receiving support from those appropriation 60458  
items one year and five years after graduating. 60459

**Section 381.580.** The Chancellor of Higher Education shall 60460  
support the continued development of the Ohio Innovation Exchange 60461  
for the purpose of showcasing the research expertise of Ohio's 60462  
university and college faculty in a variety of fields, including, 60463  
but not limited to, engineering, biomedicine, and information 60464  
technology, and to identify institutional research equipment 60465  
available in the state. 60466

**Section 381.620.** FUND NAME CHANGES 60467

On July 1, 2021, or as soon as possible thereafter, the 60468  
Director of Budget and Management shall rename the Publications 60469  
Fund (Fund 4560) the Sales and Services Fund (Fund 4560) and the 60470  
OIG Reconciliation Fund (Fund 5Y50) the State Financial Aid 60471  
Reconciliation Fund (Fund 5Y50). 60472

**Section 383.10.** DRC DEPARTMENT OF REHABILITATION AND 60473  
CORRECTION 60474

General Revenue Fund 60475

GRF 501321 Institutional \$ 1,201,221,420 \$ 1,251,447,479 60476  
Operations

GRF 501405 Halfway House \$ 70,019,786 \$ 70,019,786 60477

GRF 501406	Adult Correctional Facilities Lease Rental Bond Payments	\$ 85,000,000	\$ 85,000,000	60478
GRF 501407	Community Nonresidential Programs	\$ 60,444,863	\$ 60,444,863	60479
GRF 501408	Community Misdemeanor Programs	\$ 9,340,276	\$ 9,340,276	60480
GRF 501501	Community Residential Programs - Community Based Correctional Facilities	\$ 83,072,332	\$ 83,072,332	60481
GRF 503321	Parole and Community Operations	\$ 96,680,240	\$ 106,525,655	60482
GRF 504321	Administrative Operations	\$ 24,658,204	\$ 25,132,130	60483
GRF 505321	Institution Medical Services	\$ 290,898,936	\$ 302,940,702	60484
GRF 506321	Institution Education Services	\$ 34,887,328	\$ 35,665,119	60485
TOTAL GRF	General Revenue Fund	\$ 1,956,223,385	\$ 2,029,588,342	60486
	Dedicated Purpose Fund Group			60487
4B00 501601	Sewer Treatment Services	\$ 1,200,000	\$ 1,200,000	60488
4D40 501603	Prisoner Programs	\$ 400,000	\$ 400,000	60489
4L40 501604	Transitional Control	\$ 2,450,000	\$ 2,450,000	60490
4S50 501608	Education Services	\$ 4,660,000	\$ 4,660,000	60491
5AF0 501609	State and Non-Federal Awards	\$ 1,300,000	\$ 1,300,000	60492
5CV1 501627	Coronavirus Relief - DRC	\$ 18,000,000	\$ 0	60493
5H80 501617	Offender Financial Responsibility	\$ 1,860,000	\$ 1,860,000	60494

5TZ0	501610	Probation Improvement and Incentive Grants	\$	5,000,000	\$	5,000,000	60495
TOTAL DPF Dedicated Purpose Fund Group			\$	34,870,000	\$	16,870,000	60496
Internal Service Activity Fund Group							60497
1480	501602	Institutional Services	\$	2,850,000	\$	2,850,000	60498
2000	501607	Ohio Penal Industries	\$	46,515,000	\$	46,515,000	60499
4830	501605	Leased Property Maintenance and Operating	\$	2,000,000	\$	2,000,000	60500
5710	501606	Corrections Training Maintenance and Operating	\$	980,000	\$	980,000	60501
5L60	501611	Information Technology Services	\$	500,000	\$	500,000	60502
TOTAL ISA Internal Activity Fund Group			\$	52,845,000	\$	52,845,000	60503 60504
Federal Fund Group							60505
3230	501619	Federal Grants	\$	3,040,000	\$	3,040,000	60506
3CW0	501622	Federal Equitable Sharing	\$	300,000	\$	300,000	60507
TOTAL FED Federal Fund Group			\$	3,340,000	\$	3,340,000	60508 60509
TOTAL ALL BUDGET FUND GROUPS			\$	2,047,278,385	\$	2,102,643,342	60510
EXPEDITED PARDON INITIATIVE							60511
Of the foregoing appropriation item 501321, Institutional Operations, up to \$500,000 in each fiscal year shall be used by the Department of Rehabilitation and Correction to distribute grants for advancing the expedited pardon initiative and encouraging eligible individuals to participate.							60512 60513 60514 60515 60516
OSU MEDICAL CHARGES							60517

Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, the Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary inpatient care billed to the Department shall be reimbursed at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the Medicaid Program.

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 60528

The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2021, through June 30, 2023, by the Department of Rehabilitation and Correction pursuant to leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 60537

The foregoing appropriation item 501610, Probation Improvement and Incentive Grants, shall be allocated by the Department of Rehabilitation and Correction to municipalities as Probation Improvement and Incentive Grants with an emphasis on: (1) providing services to those addicted to opiates and other illegal substances, and (2) supplementing the programs and services funded by grants distributed from the foregoing appropriation item 501407, Community Nonresidential Programs.

**Section 387.10.** RDF STATE REVENUE DISTRIBUTIONS 60546

General Revenue Fund Group 60547

GRF	110908	Property Tax	\$	651,400,000	\$	658,400,000	60548
		Reimbursement - Local Government					
GRF	200903	Property Tax	\$	1,183,000,000	\$	1,195,600,000	60549
		Reimbursement - Education					
TOTAL GRF		General Revenue Fund	\$	1,834,400,000	\$	1,854,000,000	60550
		Group					
		Revenue Distribution Fund Group					60551
5JG0	110633	Gross Casino Revenue	\$	150,000,000	\$	153,000,000	60552
		Payments-County					
5JH0	110634	Gross Casino Revenue	\$	99,800,000	\$	101,800,000	60553
		Payments- School Districts					
5JJ0	110636	Gross Casino Revenue	\$	14,700,000	\$	15,000,000	60554
		- Host City					
7047	200902	Property Tax	\$	83,157,236	\$	72,308,288	60555
		Replacement Phase Out-Education					
7049	336900	Indigent Drivers	\$	2,250,000	\$	0	60556
		Alcohol Treatment					
7050	762900	International	\$	23,000,000	\$	23,000,000	60557
		Registration Plan Distribution					
7051	762901	Auto Registration	\$	328,000,000	\$	328,000,000	60558
		Distribution					
7060	110960	Gasoline Excise Tax	\$	900,000,000	\$	920,000,000	60559
		Fund					
7065	110965	Public Library Fund	\$	428,000,000	\$	443,000,000	60560
7066	800966	Undivided Liquor	\$	14,600,000	\$	14,600,000	60561
		Permits					
7069	110969	Local Government Fund	\$	428,000,000	\$	443,000,000	60562
7081	110907	Property Tax	\$	7,000,000	\$	6,000,000	60563

		Replacement Phase				
		Out-Local Government				
7082	110982	Horse Racing Tax	\$ 60,000	\$ 60,000		60564
7083	700900	Ohio Fairs Fund	\$ 1,000,000	\$ 1,000,000		60565
TOTAL RDF Revenue Distribution						60566
Fund Group			\$ 2,479,567,236	\$ 2,520,768,288		60567
Fiduciary Fund Group						60568
4P80	001698	Cash Management	\$ 3,100,000	\$ 3,100,000		60569
		Improvement Fund				
5VR0	110902	Municipal Net Profit	\$ 70,000,000	\$ 75,000,000		60570
		Tax				
6080	001699	Investment Earnings	\$ 120,000,000	\$ 120,000,000		60571
7001	110996	Horse Racing Tax	\$ 240,000	\$ 240,000		60572
		Local Government				
		Payments				
7062	110962	Resort Area Excise	\$ 1,500,000	\$ 1,500,000		60573
		Tax Distribution				
7063	110963	Permissive Sales Tax	\$ 2,928,800,000	\$ 3,057,700,000		60574
		Distribution				
7067	110967	School District	\$ 560,900,000	\$ 594,000,000		60575
		Income Tax				
		Distribution				
7085	800985	Volunteer Firemen's	\$ 300,000	\$ 300,000		60576
		Dependents Fund				
7093	110640	Next Generation 9-1-1	\$ 1,000,000	\$ 1,000,000		60577
7094	110641	Wireless 9-1-1	\$ 25,900,000	\$ 26,000,000		60578
		Government Assistance				
7095	110995	Municipal Income Tax	\$ 20,000,000	\$ 20,000,000		60579
7099	762902	Permissive Tax	\$ 235,000,000	\$ 242,000,000		60580
		Distribution - Auto				
		Registration				
TOTAL FID Fiduciary Fund Group			\$ 3,966,740,000	\$ 4,140,840,000		60581
Holding Account Fund Group						60582

R045 110617	International Fuel	\$	56,100,000	\$	56,100,000	60583
	Tax Distribution					
TOTAL HLD Holding Account Fund Group		\$	56,100,000	\$	56,100,000	60584
TOTAL ALL BUDGET FUND GROUPS		\$	8,336,807,236	\$	8,571,708,288	60585

**Section 387.20.** ADDITIONAL APPROPRIATIONS 60587

Appropriation items in Section 387.10 of this act shall be 60588  
used for the purpose of administering and distributing the 60589  
designated revenue distribution funds according to the Revised 60590  
Code. If it is determined that additional appropriations are 60591  
necessary for this purpose in any appropriation items in Section 60592  
387.10 of this act, such amounts are hereby appropriated. 60593

GENERAL REVENUE FUND TRANSFERS 60594

Notwithstanding any provision of law to the contrary, in 60595  
fiscal year 2022 and fiscal year 2023, the Director of Budget and 60596  
Management may transfer from the General Revenue Fund to the Local 60597  
Government Tangible Property Tax Replacement Fund (Fund 7081) and 60598  
the School District Tangible Property Tax Replacement Fund (Fund 60599  
7047) in the Revenue Distribution Fund Group, those amounts 60600  
necessary to reimburse local taxing units and school districts 60601  
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 60602  
fiscal year 2022 and fiscal year 2023, the Director of Budget and 60603  
Management may make temporary transfers from the General Revenue 60604  
Fund to ensure sufficient balances in the Local Government 60605  
Tangible Property Tax Replacement Fund (Fund 7081) and the School 60606  
District Tangible Property Tax Replacement Fund (Fund 7047) and to 60607  
replenish the General Revenue Fund for such transfers. 60608

PROPERTY TAX REIMBURSEMENT - EDUCATION 60609

The foregoing appropriation item 200903, Property Tax 60610  
Reimbursement - Education, is appropriated to pay for the state's 60611  
costs incurred because of the homestead exemption, the property 60612

tax rollback, and payments required under division (C) of section 60613  
5705.2110 of the Revised Code. In cooperation with the Department 60614  
of Taxation, the Department of Education shall distribute these 60615  
funds directly to the appropriate school districts of the state, 60616  
notwithstanding sections 321.24 and 323.156 of the Revised Code, 60617  
which provide for payment of the homestead exemption and property 60618  
tax rollback by the Tax Commissioner to the appropriate county 60619  
treasurer and the subsequent redistribution of these funds to the 60620  
appropriate local taxing districts by the county auditor. 60621

Upon receipt of these amounts, each school district shall 60622  
distribute the amount among the proper funds as if it had been 60623  
paid as real or tangible personal property taxes. Payments for the 60624  
costs of administration shall continue to be paid to the county 60625  
treasurer and county auditor as provided for in sections 319.54, 60626  
321.26, and 323.156 of the Revised Code. 60627

Any sums, in addition to the amount specifically appropriated 60628  
in appropriation item 200903, Property Tax Reimbursement - 60629  
Education, for the homestead exemption and the property tax 60630  
rollback payments, and payments required under division (C) of 60631  
section 5705.2110 of the Revised Code, which are determined to be 60632  
necessary for these purposes, are hereby appropriated. 60633

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 60634

The foregoing appropriation item 110908, Property Tax 60635  
Reimbursement-Local Government, is hereby appropriated to pay for 60636  
the state's costs incurred due to the Homestead Exemption, the 60637  
Manufactured Home Property Tax Rollback, and the Property Tax 60638  
Rollback. The Tax Commissioner shall distribute these funds 60639  
directly to the appropriate local taxing districts, except for 60640  
school districts, notwithstanding the provisions in sections 60641  
321.24 and 323.156 of the Revised Code, which provide for payment 60642  
of the Homestead Exemption, the Manufactured Home Property Tax 60643  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 60644

appropriate county treasurer and the subsequent redistribution of 60645  
these funds to the appropriate local taxing districts by the 60646  
county auditor. 60647

Upon receipt of these amounts, each local taxing district 60648  
shall distribute the amount among the proper funds as if it had 60649  
been paid as real property taxes. Payments for the costs of 60650  
administration shall continue to be paid to the county treasurer 60651  
and county auditor as provided for in sections 319.54, 321.26, and 60652  
323.156 of the Revised Code. 60653

Any sums, in addition to the amounts specifically 60654  
appropriated in appropriation item 110908, Property Tax Allocation 60655  
- Local Government, for the Homestead Exemption, the Manufactured 60656  
Home Property Tax Rollback, and the Property Tax Rollback 60657  
payments, which are determined to be necessary for these purposes, 60658  
are hereby appropriated. 60659

TANGIBLE PERSONAL PROPERTY TAX REIMBURSEMENTS 60660

Notwithstanding any provision of law to the contrary, in 60661  
fiscal years 2022 and 2023, any city, local, or exempted village 60662  
school district that has a nuclear power plant located within its 60663  
territory shall receive the same payment amount under section 60664  
5709.92 of the Revised Code as in fiscal year 2017. 60665

MUNICIPAL INCOME TAX 60666

The foregoing appropriation item 110995, Municipal Income 60667  
Tax, shall be used to make payments to municipal corporations 60668  
under section 5745.05 of the Revised Code. If it is determined 60669  
that additional appropriations are necessary to make such 60670  
payments, such amounts are hereby appropriated. 60671

MUNICIPAL NET PROFIT TAX 60672

The foregoing appropriation item 110902, Municipal Net Profit 60673  
Tax, shall be used to make payments to municipal corporations 60674

under section 718.83 of the Revised Code. If it is determined that 60675  
additional amounts are necessary to make such payments, such 60676  
amounts are hereby appropriated. 60677

During fiscal year 2022 and fiscal year 2023, if the Tax 60678  
Commissioner determines that there is insufficient cash in the 60679  
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 60680  
distribution obligations under section 718.83 of the Revised Code, 60681  
the Tax Commissioner shall certify to the Director of Budget and 60682  
Management the amount of additional cash necessary to satisfy 60683  
those obligations. In addition, the Commissioner shall submit a 60684  
plan to the Director requesting the necessary cash be transferred 60685  
from one or a combination of the following funds: the Municipal 60686  
Income Tax Administrative Fund, the Local Sales Tax Administrative 60687  
Fund, the General School District Income Tax Administrative Fund, 60688  
the Motor Fuel Tax Administrative Fund, the Property Tax 60689  
Administrative Fund, or the General Revenue Fund. This plan shall 60690  
include a proposed repayment schedule to reimburse those funds for 60691  
any cash transferred in accordance with this section. After 60692  
receiving the certification and funding plan from the Tax 60693  
Commissioner and if the Director determines that sufficient cash 60694  
is available, the Director may transfer the cash to the Municipal 60695  
Net Profit Tax Fund in accordance with the plan submitted by the 60696  
Tax Commissioner or as otherwise determined by the Director of 60697  
Budget and Management. The Director of Budget and Management may 60698  
transfer cash from the Municipal Net Profit Tax Fund to reimburse 60699  
the funds from which cash was transferred for the purpose outlined 60700  
in this section. 60701

**Section 391.10.** OSB OHIO STATE SCHOOL FOR THE BLIND 60702

General Revenue Fund 60703  
GRF 226321 Operations \$ 12,599,774 \$ 12,801,135 60704  
TOTAL GRF General Revenue Fund \$ 12,599,774 \$ 12,801,135 60705

Dedicated Purpose Fund Group				60706
4H80	226602	Education Reform	\$ 200,000 \$	200,000 60707
Grants				
4M50	226601	Work Study and	\$ 300,000 \$	300,000 60708
Technology Investment				
5NJ0	226622	Food Service Program	\$ 10,500 \$	10,500 60709
TOTAL DPF	Dedicated Purpose Fund		\$ 510,500 \$	510,500 60710
Group				
Federal Fund Group				60711
3100	226626	Federal Grants	\$ 842,850 \$	842,850 60712
3DT0	226621	Ohio Transition	\$ 265,000 \$	265,000 60713
Collaborative				
3P50	226643	Medicaid Professional	\$ 100,000 \$	100,000 60714
Services				
Reimbursement				
TOTAL FED	Federal Fund Group		\$ 1,207,850 \$	1,207,850 60715
TOTAL ALL BUDGET	FUND GROUPS		\$ 14,318,124 \$	14,519,485 60716
<b>Section 393.10. OSD OHIO SCHOOL FOR THE DEAF</b>				60718
General Revenue Fund				60719
GRF	221321	Operations	\$ 13,940,430 \$	14,164,662 60720
TOTAL GRF	General Revenue Fund		\$ 13,940,430 \$	14,164,662 60721
Dedicated Purpose Fund Group				60722
4M00	221601	Educational Program	\$ 200,000 \$	200,000 60723
Expenses				
4M10	221602	Education Reform	\$ 210,000 \$	210,000 60724
Grants				
5H60	221609	Even Start Fees and	\$ 53,000 \$	53,000 60725
Gifts				
5NK0	221610	Food Service Program	\$ 10,500 \$	10,500 60726
TOTAL DPF	Dedicated Purpose Fund		\$ 473,500 \$	473,500 60727
Group				

Federal Fund Group					60728
3110 221625	Federal Grants	\$	281,000	\$ 281,000	60729
3R00 221684	Medicaid Professional	\$	206,000	\$ 206,000	60730
	Services				
	Reimbursement				
TOTAL FED	Federal Fund Group	\$	487,000	\$ 487,000	60731
TOTAL ALL BUDGET FUND GROUPS		\$	14,900,930	\$ 15,125,162	60732

**Section 395.10.** SOS SECRETARY OF STATE 60734

General Revenue Fund 60735

GRF 050321	Operating Expenses	\$	890,000	\$ 890,000	60736
GRF 050407	Poll Workers Training	\$	234,196	\$ 234,196	60737
GRF 050509	County Voting Systems	\$	12,500,000	\$ 12,500,000	60738
	Lease Rental Payments				
TOTAL GRF	General Revenue Fund	\$	13,624,196	\$ 13,624,196	60739

Dedicated Purpose Fund Group 60740

4120 050609	Notary Commission	\$	475,000	\$ 475,000	60741
4S80 050610	Board of Voting	\$	14,400	\$ 14,400	60742
	Machine Examiners				
5990 050603	Business Services	\$	17,923,793	\$ 16,872,298	60743
	Operating Expenses				
5990 050629	Statewide Voter	\$	700,000	\$ 700,000	60744
	Registration Database				
5990 050630	Elections Support	\$	2,390,000	\$ 2,500,000	60745
	Supplement				
5FG0 050620	BOE Reimbursement and	\$	200,000	\$ 200,000	60746
	Education				
5SN0 050626	Address	\$	200,000	\$ 200,000	60747
	Confidentiality				
TOTAL DPF	Dedicated Purpose Fund	\$	21,903,193	\$ 20,961,698	60748

Group

Holding Account Fund Group					60749
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R002 050606	Corporate/Business	\$	85,000	\$	85,000	60750
	Filing Refunds					
TOTAL HLD	Group	\$	85,000	\$	85,000	60751
	Federal Fund Group					60752
3AS0 050616	Help America Vote Act	\$	1,500,000	\$	1,500,000	60753
	(HAVA)					
TOTAL FED	Federal Fund Group	\$	1,500,000	\$	1,500,000	60754
TOTAL ALL	BUDGET FUND GROUPS	\$	37,112,389	\$	36,170,894	60755

**Section 395.20. POLL WORKERS TRAINING** 60757

The foregoing appropriation item 050407, Poll Workers Training, shall be used to reimburse county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050407, Poll Workers Training at the end of fiscal year 2022 is hereby reappropriated to fiscal year 2023 for the same purpose. 60758  
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**COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS** 60765

The foregoing appropriation item 050509, County Voting Systems Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Section 4 of S.B. 135 of the 132nd General Assembly with respect to financing the costs associated with the acquisition, development, installation, and implementation of county voting systems. 60766  
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**BOARD OF VOTING MACHINE EXAMINERS** 60773

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the 60774  
60775  
60776  
60777

Board of Voting Machine Examiners Fund (Fund 4S80) created in 60778  
section 3506.05 of the Revised Code. Moneys not used shall be 60779  
returned to the person or entity submitting equipment for 60780  
examination. If it is determined by the Secretary of State that 60781  
additional appropriation amounts are necessary, the Secretary of 60782  
State may request that the Director of Budget and Management 60783  
approve such amounts. Upon approval of the Director of Budget and 60784  
Management, such amounts are hereby appropriated. 60785

BALLOT ADVERTISING COSTS 60786

Notwithstanding division (G) of section 3501.17 of the 60787  
Revised Code, upon requests submitted by the Secretary of State, 60788  
the Controlling Board may approve transfers from the Controlling 60789  
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the 60790  
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for 60791  
the cost of public notices associated with statewide ballot 60792  
initiatives. 60793

ABSENT VOTER'S BALLOT APPLICATION MAILING 60794

Notwithstanding division (B) of section 111.31 of the Revised 60795  
Code, upon the request of the Secretary of State, the Controlling 60796  
Board may approve cash and appropriation transfers from the 60797  
Controlling Board Emergency Purposes/Contingencies Fund (Fund 60798  
5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 60799  
5RG0) to be used by the Secretary of State to pay the costs of 60800  
printing and mailing unsolicited applications for absent voters' 60801  
ballots for the general election to be held in November 2022. 60802

ADDRESS CONFIDENTIALITY PROGRAM 60803

Upon the request of the Secretary of State, the Director of 60804  
Budget and Management may transfer up to \$200,000 per fiscal year 60805  
in cash from the Business Services Operating Expenses Fund (Fund 60806  
5990) to the Address Confidentiality Program Fund (Fund 5SN0). 60807

WOMEN'S SUFFRAGE CENTENNIAL COMMISSION 60808

The foregoing appropriation item 050634, Women's Suffrage Centennial Commission, shall be used to carry out the duties of the Womens' Suffrage Commission in accordance with S.B. 30 of the 133rd General Assembly. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050634, Women's Suffrage Centennial Commission, at the end of fiscal year 2021 is hereby reappropriated to fiscal year 2022 for the same purpose.

An amount equal to the unexpended, unencumbered, portion of the foregoing appropriation item 050634, Women's Suffrage Centennial Commission, at the end of fiscal year 2022 is hereby reappropriated in fiscal year 2023 for the same purpose.

CORPORATE/BUSINESS FILING REFUNDS 60821

The foregoing appropriation item 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.

HAVA FUNDS 60830

An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2021 is hereby reappropriated for the same purpose in fiscal year 2022.

An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

<b>Section 397.10. SEN THE OHIO SENATE</b>				60839
GRF	020321	Operating Expenses	\$ 15,902,029 \$ 15,902,029	60840
TOTAL GRF General Revenue Fund				\$ 15,902,029 \$ 15,902,029 60841
Internal Service Activity Fund Group				60842
1020	020602	Senate Reimbursement	\$ 425,800 \$ 425,800	60843
4090	020601	Miscellaneous Sales	\$ 34,497 \$ 34,497	60844
TOTAL ISA Internal Service Activity				60845
Fund Group				\$ 460,297 \$ 460,297 60846
TOTAL ALL BUDGET FUND GROUPS				\$ 16,362,326 \$ 16,362,326 60847

OPERATING EXPENSES 60848

On July 1, 2021, or as soon as possible thereafter, the Clerk 60849  
of the Senate may certify to the Director of Budget and Management 60850  
an amount up to the unexpended, unencumbered balance of the 60851  
foregoing appropriation item 020321, Operating Expenses, at the 60852  
end of fiscal year 2021 to be reappropriated to fiscal year 2022. 60853  
The amount certified is hereby reappropriated to the same 60854  
appropriation item for fiscal year 2022. 60855

On July 1, 2022, or as soon as possible thereafter, the Clerk 60856  
of the Senate may certify to the Director of Budget and Management 60857  
an amount up to the unexpended, unencumbered balance of the 60858  
foregoing appropriation item 020321, Operating Expenses, at the 60859  
end of fiscal year 2022 to be reappropriated to fiscal year 2023. 60860  
The amount certified is hereby reappropriated to the same 60861  
appropriation item for fiscal year 2023. 60862

<b>Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM</b>				60863
General Revenue Fund				60864
GRF	866321	CSV Operations	\$ 529,252 \$ 529,252	60865
TOTAL GRF General Revenue Fund				\$ 529,252 \$ 529,252 60866
Dedicated Purpose Fund Group				60867

5GN0 866605	Serve Ohio Support	\$	30,000	\$	30,000	60868
TOTAL DPF	Dedicated Purpose Fund	\$	30,000	\$	30,000	60869
Group						
Federal Fund Group						60870
3R70 866617	AmeriCorps Programs	\$	10,121,612	\$	10,144,716	60871
TOTAL FED	Federal Fund Group	\$	10,121,612	\$	10,144,716	60872
TOTAL ALL BUDGET FUND GROUPS		\$	10,680,864	\$	10,703,968	60873

**Section 401.10.** CSF COMMISSIONERS OF THE SINKING FUND 60875

Debt Service Fund Group						60876
7070 155905	Third Frontier	\$	69,000,000	\$	76,000,000	60877
	Research and					
	Development Bond					
	Retirement Fund					
7072 155902	Highway Capital	\$	164,700,000	\$	164,700,000	60878
	Improvement Bond					
	Retirement Fund					
7073 155903	Natural Resources Bond	\$	20,600,000	\$	23,000,000	60879
	Retirement Fund					
7074 155904	Conservation Projects	\$	50,500,000	\$	53,500,000	60880
	Bond Retirement Fund					
7076 155906	Coal Research and	\$	7,300,000	\$	8,500,000	60881
	Development Bond					
	Retirement Fund					
7077 155907	State Capital	\$	246,500,000	\$	237,000,000	60882
	Improvement Bond					
	Retirement Fund					
7078 155908	Common Schools Bond	\$	427,000,000	\$	390,000,000	60883
	Retirement Fund					
7079 155909	Higher Education Bond	\$	331,000,000	\$	301,000,000	60884
	Retirement Fund					
7080 155901	Persian Gulf,	\$	5,375,000	\$	5,000,000	60885

	Afghanistan, and Iraq				
	Conflict Bond				
	Retirement Fund				
7090	155912 Job Ready Site	\$	4,605,000	\$	4,605,000
	Development Bond				
	Retirement Fund				
TOTAL DSF	Debt Service Fund Group	\$	1,326,580,000	\$	1,263,305,000
TOTAL ALL BUDGET FUND GROUPS		\$	1,326,580,000	\$	1,263,305,000
	ADDITIONAL APPROPRIATIONS				60889
	Appropriation items in this section are for the purpose of				60890
	paying debt service and financing costs during the period from				60891
	July 1, 2021, through June 30, 2023, on bonds or notes of the				60892
	state issued under the Ohio Constitution, Revised Code, and acts				60893
	of the General Assembly. If it is determined that additional				60894
	amounts are necessary for this purpose, such amounts are hereby				60895
	appropriated.				60896
	<b>Section 403.10.</b> SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY				60897
	DEVELOPMENT FOUNDATION				60898
	Dedicated Purpose Fund Group				60899
5M90	945601 Operating Expenses	\$	98,270	\$	0
TOTAL DPF	Dedicated Purpose Fund	\$	98,270	\$	0
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	98,270	\$	0
	<b>Section 404.10.</b> SHP STATE SPEECH AND HEARING PROFESSIONALS				60904
	BOARD				60905
	Dedicated Purpose Fund Group				60906
4K90	123609 Operating Expenses	\$	636,709	\$	636,709
TOTAL DPF	Dedicated Purpose Fund	\$	636,709	\$	636,709
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	636,709	\$	636,709

<b>Section 407.10. BTA BOARD OF TAX APPEALS</b>				60911
General Revenue Fund				60912
GRF 116321	Operating Expenses	\$ 1,753,243	\$ 1,803,160	60913
TOTAL GRF General Revenue Fund				60914
TOTAL ALL BUDGET FUND GROUPS				60915
 <b>Section 409.10. TAX DEPARTMENT OF TAXATION</b>				60917
General Revenue Fund				60918
GRF 110321	Operating Expenses	\$ 56,240,803	\$ 56,504,746	60919
GRF 110404	Tobacco Settlement	\$ 150,810	\$ 150,810	60920
Enforcement				
TOTAL GRF General Revenue Fund				60921
Dedicated Purpose Fund Group				60922
2280 110628	CAT Administration	\$ 14,254,131	\$ 14,254,131	60923
4350 110607	Local Tax	\$ 31,020,628	\$ 31,020,628	60924
Administration				
4360 110608	Motor Vehicle Audit	\$ 1,500,000	\$ 1,500,000	60925
Administration				
4380 110609	School District	\$ 9,000,000	\$ 9,000,000	60926
Income Tax				
Administration				
4C60 110616	International	\$ 705,869	\$ 705,869	60927
Registration Plan				
Administration				
4R60 110610	Tire Tax	\$ 180,000	\$ 180,000	60928
Administration				
5BP0 110639	Wireless 9-1-1	\$ 298,794	\$ 298,794	60929
Administration				
5JM0 110637	Casino Tax	\$ 125,000	\$ 125,000	60930
Administration				
5N50 110605	Municipal Income Tax	\$ 200,000	\$ 200,000	60931

		Administration				
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000 60932
		Administration				
5NY0	110643	Petroleum Activity	\$	1,000,000	\$	1,000,000 60933
		Tax Administration				
5V70	110622	Motor Fuel Tax	\$	6,000,000	\$	6,000,000 60934
		Administration				
5V80	110623	Property Tax	\$	5,000,000	\$	5,000,000 60935
		Administration				
6390	110614	Cigarette Tax	\$	1,450,000	\$	1,450,000 60936
		Enforcement				
6880	110615	Local Excise Tax	\$	500,000	\$	500,000 60937
		Administration				
TOTAL DPF		Dedicated Purpose Fund	\$	71,334,422	\$	71,334,422 60938
Group						
Fiduciary Fund Group						60939
4250	110635	Tax Refunds	\$	2,179,769,300	\$	2,179,769,300 60940
5CZ0	110631	Vendor's License	\$	380,000	\$	380,000 60941
		Application				
TOTAL FID		Fiduciary Fund Group	\$	2,180,149,300	\$	2,180,149,300 60942
Holding Account Fund Group						60943
R010	110611	Tax Distributions	\$	25,000	\$	25,000 60944
R011	110612	Miscellaneous Income	\$	500	\$	500 60945
		Tax Receipts				
TOTAL HLD		Holding Account Fund	\$	25,500	\$	25,500 60946
Group						
TOTAL ALL BUDGET FUND GROUPS			\$	2,307,900,835	\$	2,308,164,778 60947

**Section 409.20. TAX REFUNDS** 60949

The foregoing appropriation item 110635, Tax Refunds, shall 60950  
 be used to pay refunds under section 5703.052 of the Revised Code. 60951  
 If it is determined that additional appropriations are necessary 60952

for this purpose, such amounts are hereby appropriated. 60953

VENDOR'S LICENSE PAYMENTS 60954

The foregoing appropriation item 110631, Vendor's License 60955  
Application, shall be used to make payments to county auditors 60956  
under section 5739.17 of the Revised Code. If it is determined 60957  
that additional appropriations are necessary to make such 60958  
payments, such amounts are hereby appropriated. 60959

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 60960

The foregoing appropriation item 110616, International 60961  
Registration Plan Administration, shall be used under section 60962  
5703.12 of the Revised Code for audits of persons with vehicles 60963  
registered under the International Registration Plan. 60964

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 60965

Of the foregoing appropriation item 110607, Local Tax 60966  
Administration, the Tax Commissioner may disburse funds, if 60967  
available, for the purposes of paying travel expenses incurred by 60968  
members of Ohio's delegation to the Streamlined Sales Tax Project, 60969  
as appointed under section 5740.02 of the Revised Code. Any travel 60970  
expense reimbursement paid for by the Department of Taxation shall 60971  
be done in accordance with applicable state laws and guidelines. 60972

TOBACCO SETTLEMENT ENFORCEMENT 60973

The foregoing appropriation item 110404, Tobacco Settlement 60974  
Enforcement, shall be used by the Tax Commissioner to pay costs 60975  
incurred in the enforcement of divisions (F) and (G) of section 60976  
5743.03 of the Revised Code. 60977

PROPERTY TAX ADMINISTRATION 60978

Notwithstanding section 5703.80 or division (F) of section 60979  
321.24 of the Revised Code, in fiscal year 2022, the Tax 60980  
Commissioner shall not compute or certify the amounts calculated 60981  
under divisions (A) and (B) of that section as amended by this 60982

act. The Director of Budget and Management shall not transfer any 60983  
amounts from the General Revenue Fund to the Property Tax 60984  
Administration Fund in fiscal year 2022. In fiscal year 2022, the 60985  
Tax Commissioner shall not subtract any amounts computed under 60986  
section 5703.80 of the Revised Code, as amended by this act, from 60987  
the payments made from the General Revenue Fund to county 60988  
treasurers under division (F) of section 321.24 of the Revised 60989  
Code. In fiscal year 2023, the Property Tax Administration Fund 60990  
shall be funded as provided in section 5703.80 and division (F) of 60991  
section 321.24 of the Revised Code. 60992

**Section 411.10. DOT DEPARTMENT OF TRANSPORTATION** 60993

General Revenue Fund					60994
GRF 775470	Public	\$	7,362,778	7,362,778	60995
	Transportation-State				
GRF 776465	Rail Development	\$	2,000,000	\$ 2,000,000	60996
GRF 777471	Airport Improvements	\$	6,419,687	\$ 6,419,687	60997
	- State				
TOTAL GRF General Revenue Fund		\$	15,782,465	\$ 15,782,465	60998
TOTAL ALL BUDGET FUND GROUPS		\$	15,782,465	\$ 15,782,465	60999

**Section 411.20. PUBLIC TRANSPORTATION - STATE** 61001

Of the foregoing appropriation item 775470, Public 61002  
Transportation - State, \$7,362,778 in each fiscal year shall be 61003  
used for grants to support public transit. 61004

**Section 413.10. TOS TREASURER OF STATE** 61005

General Revenue Fund					61006
GRF 090321	Operating Expenses	\$	8,037,839	\$ 8,037,839	61007
GRF 090401	Office of the Sinking	\$	463,662	\$ 463,662	61008
	Fund				
GRF 090402	Continuing Education	\$	175,000	\$ 175,000	61009

GRF 090406	Treasury Management	\$	1,125,000	\$	1,120,000	61010
	System Lease Rental					
	Payments					
GRF 090613	STABLE Account	\$	1,480,987	\$	1,480,987	61011
	Administration					
TOTAL GRF General Revenue Fund		\$	11,282,488	\$	11,277,488	61012
Dedicated Purpose Fund Group						61013
4E90 090603	Securities Lending	\$	7,843,565	\$	7,843,565	61014
	Income					
4X90 090614	Political Subdivision	\$	45,000	\$	45,000	61015
	Obligation					
5770 090605	Investment Pool	\$	1,050,000	\$	1,050,000	61016
	Reimbursement					
5C50 090602	County Treasurer	\$	240,057	\$	240,057	61017
	Education					
5NH0 090610	OhioMeansJobs	\$	250,000	\$	250,000	61018
	Workforce Development					
6050 090609	Treasurer of State	\$	700,000	\$	700,000	61019
	Administrative Fund					
TOTAL DPF Dedicated Purpose						61020
Fund Group		\$	10,128,622	\$	10,128,622	61021
Fiduciary Fund Group						61022
4250 090635	Tax Refunds	\$	12,000,000	\$	12,000,000	61023
TOTAL FID Fiduciary Fund Group		\$	12,000,000	\$	12,000,000	61024
TOTAL ALL BUDGET FUND GROUPS		\$	33,411,110	\$	33,406,110	61025

**Section 413.20. OFFICE OF THE SINKING FUND** 61027

The foregoing appropriation item 090401, Office of the 61028  
Sinking Fund, shall be used for costs incurred by or on behalf of 61029  
the Commissioners of the Sinking Fund and the Ohio Public 61030  
Facilities Commission with respect to State of Ohio general 61031  
obligation bonds or notes, and the Treasurer of State with respect 61032

to State of Ohio general obligation and special obligation bonds 61033  
or notes, including, but not limited to, printing, advertising, 61034  
delivery, rating fees and the procurement of ratings, professional 61035  
publications, membership in professional organizations, and other 61036  
services referred to in division (D) of section 151.01 of the 61037  
Revised Code. The General Revenue Fund shall be reimbursed for 61038  
such costs relating to the issuance and administration of Highway 61039  
Capital Improvement bonds or notes authorized under Ohio 61040  
Constitution, Article VIII, Section 2m and Chapter 151. of the 61041  
Revised Code. That reimbursement shall be made from appropriation 61042  
item 155902, Highway Capital Improvement Bond Retirement Fund, by 61043  
intrastate transfer voucher pursuant to a certification by the 61044  
Office of the Sinking Fund of the actual amounts used. The amounts 61045  
necessary to make such a reimbursement are hereby appropriated 61046  
from the Highway Capital Improvement Bond Retirement Fund created 61047  
in section 151.06 of the Revised Code. 61048

STABLE ACCOUNT ADMINISTRATION 61049

The foregoing appropriation item 090613, STABLE Account 61050  
Administration, shall be used for administration of an Achieve a 61051  
Better Living Experience (ABLE) account program. 61052

TAX REFUNDS 61053

The foregoing appropriation item 090635, Tax Refunds, shall 61054  
be used to pay refunds under section 5703.052 of the Revised Code. 61055  
If the Director of Budget and Management determines that 61056  
additional amounts are necessary for this purpose, such amounts 61057  
are hereby appropriated. 61058

**Section 413.30.** TREASURY MANAGEMENT SYSTEM LEASE RENTAL 61059  
PAYMENTS 61060

The foregoing appropriation item 090406, Treasury Management 61061  
System Lease Rental Payments, shall be used to make payments 61062

during the period from July 1, 2021, through June 30, 2023, 61063  
pursuant to leases and agreements entered into under Section 61064  
701.20 of H.B. 497 of the 130th General Assembly and other prior 61065  
acts of the General Assembly with respect to financing the costs 61066  
associated with the acquisition, development, implementation, and 61067  
integration of the Treasury Management System. 61068

**Section 413.40.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 61069  
LOAN PROGRAM 61070

The foregoing appropriation item 090610, OhioMeansJobs 61071  
Workforce Development, shall be used for the OhioMeansJobs 61072  
Workforce Development Revolving Loan Program to provide loans to 61073  
individuals for workforce training. 61074

Of the foregoing appropriation item 090610, OhioMeansJobs 61075  
Workforce Development, up to \$250,000 in fiscal year 2022 may be 61076  
used by the Treasurer of State to administer the program. 61077

Any unexpended and unencumbered portion of the foregoing 61078  
appropriation item 090610, OhioMeansJobs Workforce Development, at 61079  
the end of fiscal year 2022 is hereby reappropriated for the same 61080  
purpose in fiscal year 2023. To the extent that reappropriated 61081  
funds are available, of the foregoing appropriation item 090610, 61082  
OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 61083  
2023 may be used by the Treasurer of State to administer the 61084  
program. 61085

The Treasurer of State shall determine, during the second 61086  
half of fiscal year 2023, if the cash balance and anticipated loan 61087  
repayments to the OhioMeansJobs Workforce Development Revolving 61088  
Loan Fund (Fund 5NH0), will be sufficient to meet the 61089  
appropriation level of \$250,000 in fiscal year 2023. If those 61090  
resources are insufficient, the Treasurer of State may submit a 61091  
request to the Controlling Board for a transfer of up to \$325,000 61092  
cash from the Controlling Board Emergency Purposes/Contingencies 61093

Fund (Fund 5KM0), to Fund 5NH0.					61094
<b>Section 414.10. VTO VETERANS' ORGANIZATIONS</b>					61095
General Revenue Fund					61096
VAP AMERICAN EX-PRISONERS OF WAR					61097
GRF 743501	State Support	\$	31,895	\$	31,895 61098
VAN ARMY AND NAVY UNION, USA, INC.					61099
GRF 746501	State Support	\$	68,808	\$	68,808 61100
VKW KOREAN WAR VETERANS					61101
GRF 747501	State Support	\$	62,400	\$	62,400 61102
VJW JEWISH WAR VETERANS					61103
GRF 748501	State Support	\$	37,865	\$	37,865 61104
VCW CATHOLIC WAR VETERANS					61105
GRF 749501	State Support	\$	72,800	\$	72,800 61106
VPH MILITARY ORDER OF THE PURPLE HEART					61107
GRF 750501	State Support	\$	72,800	\$	72,800 61108
VVV VIETNAM VETERANS OF AMERICA					61109
GRF 751501	State Support	\$	236,948	\$	236,948 61110
VAL AMERICAN LEGION OF OHIO					61111
GRF 752501	State Support	\$	385,237	\$	385,237 61112
VII AMVETS					61113
GRF 753501	State Support	\$	366,877	\$	366,877 61114
VAV DISABLED AMERICAN VETERANS					61115
GRF 754501	State Support	\$	275,628	\$	275,628 61116
VMC MARINE CORPS LEAGUE					61117
GRF 756501	State Support	\$	169,520	\$	169,520 61118
V37 37TH DIVISION VETERANS' ASSOCIATION					61119
GRF 757501	State Support	\$	10,400	\$	10,400 61120
VFW VETERANS OF FOREIGN WARS					61121
GRF 758501	State Support	\$	314,246	\$	314,246 61122
TOTAL GRF General Revenue Fund		\$	2,105,424	\$	2,105,424 61123
TOTAL ALL BUDGET FUND GROUPS		\$	2,105,424	\$	2,105,424 61124

<b>Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES</b>				61126
General Revenue Fund				61127
GRF	900321	Veterans' Homes	\$ 45,402,392 \$ 45,393,691	61128
GRF	900402	Hall of Fame	\$ 129,332 \$ 135,813	61129
GRF	900408	Department of Veterans Services	\$ 4,095,439 \$ 4,097,659	61130
GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$ 1,500,000 \$ 1,500,000	61131
GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$ 5,375,000 \$ 5,000,000	61132
TOTAL GRF	General Revenue Fund		\$ 56,502,163 \$ 56,127,163	61133
Dedicated Purpose Fund Group				61134
4840	900603	Veterans' Homes Services	\$ 720,775 \$ 771,000	61135
4E20	900602	Veterans' Homes Operating	\$ 9,810,523 \$ 9,444,887	61136
5CV1	900607	COVID Safety - Ohio Veterans Homes	\$ 2,000,000 \$ 0	61137
5DB0	900643	Military Injury Relief Program	\$ 55,800 \$ 55,800	61138
6040	900604	Veterans' Homes Improvement	\$ 500,000 \$ 500,000	61139
TOTAL DPF	Dedicated Purpose Fund Group		\$ 13,087,098 \$ 10,771,687	61140
Debt Service Fund Group				61141
7041	900615	Veteran Bonus Program - Administration	\$ 187,286 \$ 163,224	61142
7041	900641	Persian Gulf, Afghanistan, and Iraq	\$ 609,411 \$ 221,420	61143

Compensation

TOTAL DSF Debt Service				61144
Fund Group	\$	796,697	\$ 384,644	61145
Federal Fund Group				61146
3680 900614 Veterans Training	\$	903,149	\$ 922,108	61147
3BX0 900609 Medicare Services	\$	3,578,278	\$ 3,578,278	61148
3L20 900601 Veterans' Homes	\$	27,183,376	\$ 29,957,759	61149
Operations - Federal				
TOTAL FED Federal Fund Group	\$	31,664,803	\$ 34,458,145	61150
TOTAL ALL BUDGET FUND GROUPS	\$	102,050,761	\$ 101,741,639	61151

VETERANS ORGANIZATIONS' RENT 61152

The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services. 61153  
61154  
61155  
61156

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 61157

The foregoing appropriation item 900901, Veterans Compensation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2021, through June 30, 2023, on obligations issued under Section 2r of Article VIII, Ohio Constitution. 61158  
61159  
61160  
61161  
61162

**Section 417.10. DVM VETERINARY MEDICAL LICENSING BOARD** 61163

Dedicated Purpose Fund Group				61164
4K90 888609 Operating Expenses	\$	444,238	\$ 440,278	61165
TOTAL DPF Dedicated Purpose Fund Group	\$	444,238	\$ 440,278	61166 61167
Internal Service Activity Fund Group				61168
5BU0 888602 Veterinary Student Loan Program	\$	30,000	\$ 30,000	61169
TOTAL ISA Internal Service Activity				61170

Fund Group		\$	30,000	\$	30,000	61171
TOTAL ALL BUDGET FUND GROUPS		\$	474,238	\$	470,278	61172
 <b>Section 419.10. VPB STATE VISION PROFESSIONALS BOARD</b>						61174
Dedicated Purpose Fund Group						61175
4K90 129609 Operating Expenses		\$	654,140	\$	654,140	61176
TOTAL DPF Dedicated Purpose Fund Group		\$	654,140	\$	654,140	61177
TOTAL ALL BUDGET FUND GROUPS		\$	654,140	\$	654,140	61178
 <b>Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES</b>						61180
General Revenue Fund						61181
GRF 470401 RECLAIM Ohio		\$	166,336,645	\$	168,744,852	61182
GRF 470412 Juvenile Correctional Facilities Lease Rental Bond Payments		\$	16,250,000	\$	18,900,000	61183
GRF 470510 Youth Services		\$	16,702,728	\$	16,702,728	61184
GRF 472321 Parole Operations		\$	9,899,086	\$	10,050,852	61185
GRF 477321 Administrative Operations		\$	13,741,605	\$	14,036,850	61186
TOTAL GRF General Revenue Fund		\$	222,930,064	\$	228,435,282	61187
Dedicated Purpose Fund Group						61188
1470 470612 Vocational Education		\$	1,538,933	\$	1,416,746	61189
1750 470613 Education Services		\$	2,964,749	\$	2,546,450	61190
4790 470609 Employee Food Service		\$	20,300	\$	20,300	61191
4A20 470602 Child Support		\$	153,968	\$	90,968	61192
4G60 470605 Juvenile Special Revenue - Non-Federal		\$	109,663	\$	109,663	61193
5BN0 470629 E-Rate Program		\$	59,000	\$	59,000	61194
TOTAL DPF Dedicated Purpose Fund Group		\$	4,846,613	\$	4,243,127	61195
Federal Fund Group						61197

3210	470601	Education	\$	974,805	\$	987,656	61198
3210	470603	Juvenile Justice Prevention	\$	2,289,557	\$	2,294,382	61199
3210	470606	Nutrition	\$	930,000	\$	930,000	61200
3210	470614	Title IV-E Reimbursements	\$	3,386,344	\$	3,449,344	61201
3V50	470604	Juvenile Justice/Delinquency Prevention	\$	1,907,500	\$	1,907,501	61202
TOTAL FED Federal							61203
Fund Group			\$	9,488,206	\$	9,568,883	61204
TOTAL ALL BUDGET FUND GROUPS			\$	237,264,883	\$	242,247,292	61205

COMMUNITY PROGRAMS 61206

For purposes of implementing juvenile sentencing reforms, and 61207  
notwithstanding any provision of law to the contrary, the 61208  
Department of Youth Services may use up to \$1,375,000 of the 61209  
unexpended, unencumbered balance of the portion of appropriation 61210  
item 470401, RECLAIM Ohio, that is allocated to juvenile 61211  
correctional facilities in each fiscal year to expand Targeted 61212  
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 61213  
other evidence-based community programs. 61214

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 61215

The foregoing appropriation item 470412, Juvenile 61216  
Correctional Facilities Lease Rental Bond Payments, shall be used 61217  
to meet all payments during the period from July 1, 2021, through 61218  
June 30, 2023, by the Department of Youth Services under the 61219  
leases and agreements for facilities made under Chapters 152. and 61220  
154. of the Revised Code. These appropriations are the source of 61221  
funds pledged for bond service charges on related obligations 61222  
issued under Chapters 152. and 154. of the Revised Code. 61223

EDUCATION SERVICES 61224

The foregoing appropriation item 470613, Education Services, 61225  
shall be used to fund the operating expenses of providing 61226  
educational services to youth supervised by the Department of 61227  
Youth Services. Operating expenses include, but are not limited 61228  
to, teachers' salaries, maintenance costs, and educational 61229  
equipment. 61230

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 61231

In collaboration with the county family and children first 61232  
council, the juvenile court of that county that receives 61233  
allocations from one or both of the foregoing appropriation items 61234  
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 61235  
portions of those allocations to a flexible funding pool as 61236  
authorized by the section of this act titled "FAMILY AND CHILDREN 61237  
FIRST FLEXIBLE FUNDING POOL." 61238

**Section 503.10. PERSONAL SERVICE EXPENSES** 61239

Unless otherwise prohibited by law, any appropriation from 61240  
which personal service expenses are paid shall bear the employer's 61241  
share of public employees' retirement, workers' compensation, 61242  
disabled workers' relief, and insurance programs; the costs of 61243  
centralized financial services, centralized payroll processing, 61244  
and related reports and services; centralized human resources 61245  
services, including affirmative action and equal employment 61246  
opportunity programs; the Office of Collective Bargaining; 61247  
centralized information technology management services; 61248  
administering the enterprise resource planning system; and 61249  
administering the state employee merit system as required by 61250  
section 124.07 of the Revised Code. These costs shall be 61251  
determined in conformity with the appropriate sections of law and 61252  
paid in accordance with procedures specified by the Office of 61253  
Budget and Management. Expenditures from appropriation item 61254  
070601, Public Audit Expense - Intra-State, may be exempted from 61255

the requirements of this section. 61256

**Section 503.20.** SATISFACTION OF JUDGMENTS AND SETTLEMENTS 61257  
AGAINST THE STATE 61258

Except as otherwise provided in this section, an 61259  
appropriation in this act or any other act may be used for the 61260  
purpose of satisfying judgments, settlements, or administrative 61261  
awards ordered or approved by the Court of Claims or by any other 61262  
court of competent jurisdiction in connection with civil actions 61263  
against the state. This authorization does not apply to 61264  
appropriations to be applied to or used for payment of guarantees 61265  
by or on behalf of the state, or for payments under lease 61266  
agreements relating to, or debt service on, bonds, notes, or other 61267  
obligations of the state. Notwithstanding any other statute to the 61268  
contrary, this authorization includes appropriations from funds 61269  
into which proceeds of direct obligations of the state are 61270  
deposited only to the extent that the judgment, settlement, or 61271  
administrative award is for, or represents, capital costs for 61272  
which the appropriation may otherwise be used and is consistent 61273  
with the purpose for which any related obligations were issued or 61274  
entered into. Nothing contained in this section is intended to 61275  
subject the state to suit in any forum in which it is not 61276  
otherwise subject to suit, and is not intended to waive or 61277  
compromise any defense or right available to the state in any suit 61278  
against it. 61279

**Section 503.30.** CAPITAL PROJECT SETTLEMENTS 61280

This section specifies an additional and supplemental 61281  
procedure to provide for payments of judgments and settlements if 61282  
the Director of Budget and Management determines, pursuant to 61283  
division (C)(4) of section 2743.19 of the Revised Code, that 61284  
sufficient unencumbered moneys do not exist in the fund to support 61285

a particular appropriation to pay the amount of a final judgment 61286  
rendered against the state or a state agency, including the 61287  
settlement of a claim approved by a court, in an action upon and 61288  
arising out of a contractual obligation for the construction or 61289  
improvement of a capital facility if the costs under the contract 61290  
were payable in whole or in part from a state capital projects 61291  
appropriation. In such a case, the Director may either proceed 61292  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 61293  
or apply to the Controlling Board to increase an appropriation or 61294  
create an appropriation out of any unencumbered moneys in the 61295  
state treasury to the credit of the capital projects fund from 61296  
which the initial state appropriation was made. The amount of an 61297  
increase in appropriation or new appropriation approved by the 61298  
Controlling Board is hereby appropriated from the applicable 61299  
capital projects fund and made available for the payment of the 61300  
judgment or settlement. 61301

If the Director does not make the application authorized by 61302  
this section or the Controlling Board disapproves the application, 61303  
and the Director does not make application under division (C)(4) 61304  
of section 2743.19 of the Revised Code, the Director shall for the 61305  
purpose of making that payment make a request to the General 61306  
Assembly as provided for in division (C)(5) of that section. 61307

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 61308

In order to provide funds for the reissuance of voided 61309  
warrants under section 126.37 of the Revised Code, there is hereby 61310  
appropriated, out of moneys in the state treasury from the fund 61311  
credited as provided in section 126.37 of the Revised Code, that 61312  
amount sufficient to pay such warrants when approved by the Office 61313  
of Budget and Management. 61314

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 61315

BALANCES OF OPERATING APPROPRIATIONS	61316
(A) Notwithstanding the original year of appropriation or encumbrance, the unexpended balance of an operating appropriation or reappropriation that a state agency lawfully encumbered prior to the close of fiscal year 2021 or fiscal year 2022 is hereby reappropriated on the first day of July of the following fiscal year from the fund from which it was originally appropriated or reappropriated for the period of time listed in this section and shall remain available only for the purpose of discharging the encumbrance:	61317 61318 61319 61320 61321 61322 61323 61324 61325
(1) For an encumbrance for personal services, maintenance, equipment, or items for resale not otherwise identified in this section, for a period of not more than five months from the end of the fiscal year;	61326 61327 61328 61329
(2) For an encumbrance for an item of special order manufacture not available on state contract or in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;	61330 61331 61332 61333 61334 61335
(3) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended provided such period does not extend beyond the FY 2022 - FY 2023 biennium;	61336 61337 61338 61339
(4) For an encumbrance for any other type of expense not otherwise identified in division (A)(1), (2), or (3) of this section, for such period as the Director approves, provided such period does not extend beyond the FY 2022 - FY 2023 biennium.	61340 61341 61342 61343
(B) Any operating appropriations for which unexpended balances are reappropriated in fiscal year 2022 or fiscal year	61344 61345

2023 pursuant to division (A)(2) of this section shall be reported 61346  
to the Controlling Board by the Director of Budget and Management 61347  
by the thirty-first day of December of each year. The report shall 61348  
include the item, the cost of the item, and the name of the 61349  
vendor. The report shall be updated on a quarterly basis for 61350  
encumbrances remaining open. 61351

(C) Upon the expiration of the reappropriation period set out 61352  
in division (A) of this section, a reappropriation made by this 61353  
section lapses and the Director of Budget and Management shall 61354  
cancel the encumbrance of the unexpended reappropriation not later 61355  
than the end of the weekend following the expiration of the 61356  
reappropriation period. 61357

(D) If the Controlling Board approved a purchase, that 61358  
approval remains in effect so long as the appropriation used to 61359  
make that purchase remains encumbered. 61360

**Section 503.60. CORRECTION OF ACCOUNTING ERRORS** 61361

(A) The Director of Budget and Management may correct 61362  
accounting errors committed by the staff of the Office of Budget 61363  
and Management, such as reestablishing encumbrances or 61364  
appropriations canceled in error, during the cancellation of 61365  
operating encumbrances in November and of non-operating 61366  
encumbrances in December. 61367

(B) The Director of Budget and Management may at any time 61368  
correct accounting errors committed by staff or a state agency or 61369  
state institution of higher education, as defined in section 61370  
3345.011 of the Revised Code, such as reestablishing prior year 61371  
non-operating encumbrances canceled or modified in error. The 61372  
reestablished encumbrance amounts are hereby appropriated. 61373

**Section 503.70. TEMPORARY REVENUE HOLDING** 61374

The Director of Budget and Management may create funds in the 61375

state treasury solely for the purpose of temporarily holding 61376  
revenue required to be credited to a fund in the state treasury, 61377  
whose disposition is not immediately known at the time of receipt. 61378  
Once identified, the Director shall credit the revenue to the 61379  
appropriate fund in the state treasury. 61380

Upon certification by a director or head of a state agency, 61381  
the Director of Budget and Management may create funds in the 61382  
state treasury on behalf of an agency when the agency is required 61383  
by law to detain funds in escrow. The Director of Budget and 61384  
Management may transfer cash between funds within the state 61385  
treasury to satisfy escrow requirements. 61386

**Section 503.80.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 61387  
RE-ESTABLISHMENT OF ENCUMBRANCES 61388

Any cash transferred by the Director of Budget and Management 61389  
under section 126.15 of the Revised Code is hereby appropriated. 61390  
Any amounts necessary to re-establish appropriations or 61391  
encumbrances under section 126.15 of the Revised Code are hereby 61392  
appropriated. 61393

**Section 503.90.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 61394

The Director of Budget and Management may transfer 61395  
appropriations between the Third Frontier Research and Development 61396  
Fund (Fund 7011) and the Third Frontier Research and Development 61397  
Taxable Bond Fund (Fund 7014) as necessary to maintain the 61398  
exclusion from the calculation of gross income for federal income 61399  
taxation purposes under the Internal Revenue Code with respect to 61400  
obligations issued to fund projects appropriated from the Third 61401  
Frontier Research and Development Fund (Fund 7011). 61402

The Director may also create new appropriation items within 61403  
the Third Frontier Research and Development Taxable Bond Fund 61404  
(Fund 7014) and make transfers of appropriations to them for 61405

projects originally funded from appropriations made from the Third 61406  
Frontier Research and Development Fund (Fund 7011). 61407

**Section 503.100.** INCOME TAX DISTRIBUTION TO COUNTIES 61408

There are hereby appropriated out of any moneys in the state 61409  
treasury to the credit of the General Revenue Fund, which are not 61410  
otherwise appropriated, funds sufficient to make any payment 61411  
required by division (B)(2) of section 5747.03 of the Revised 61412  
Code. 61413

**Section 503.110.** EXPENDITURES AND APPROPRIATION INCREASES 61414  
APPROVED BY THE CONTROLLING BOARD 61415

Any money that the Controlling Board approves for expenditure 61416  
or any increase in appropriation that the Controlling Board 61417  
approves under sections 127.14, 131.35, and 131.39 of the Revised 61418  
Code or any other provision of law is hereby appropriated for the 61419  
period ending June 30, 2023. 61420

**Section 503.120.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 61421  
RESIDENCE 61422

If the Governor's Residence Fund (Fund 4H20) receives payment 61423  
for use of the residence pursuant to section 107.40 of the Revised 61424  
Code, the amounts so received are hereby appropriated to 61425  
appropriation item 100604, Governor's Residence Gift. 61426

**Section 504.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 61427

Certain appropriations are in this act for the purpose of 61428  
paying debt service and financing costs on general obligation 61429  
bonds or notes of the state issued pursuant to the Ohio 61430  
Constitution, Revised Code, and acts of the General Assembly. If 61431  
it is determined that additional appropriations are necessary for 61432  
this purpose, such amounts are hereby appropriated. 61433

**Section 504.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE 61434

Certain appropriations are in this act for the purpose of 61435  
making lease rental payments pursuant to leases and agreements 61436  
relating to bonds, notes, or other obligations issued by or on 61437  
behalf of the state pursuant to the Ohio Constitution, Revised 61438  
Code, and acts of the General Assembly. If it is determined that 61439  
additional appropriations are necessary for this purpose, such 61440  
amounts are hereby appropriated. 61441

**Section 504.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 61442  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 61443

The Office of Budget and Management shall process payments 61444  
from general obligation and lease rental payment appropriation 61445  
items during the period from July 1, 2021, through June 30, 2023, 61446  
relating to bonds, notes, or other obligations issued by or on 61447  
behalf of the state pursuant to the Ohio Constitution, Revised 61448  
Code, and acts of the General Assembly. Payments shall be made 61449  
upon certification by the Treasurer of State of the dates and the 61450  
amounts due on those dates. 61451

**Section 505.10.** ARBITRAGE REBATE AUTHORIZATION 61452

If it is determined that a payment is necessary in the amount 61453  
computed at the time to represent the portion of investment income 61454  
to be rebated or amounts in lieu of or in addition to any rebate 61455  
amount to be paid to the federal government in order to maintain 61456  
the exclusion from gross income for federal income tax purposes of 61457  
interest on those state obligations under section 148(f) of the 61458  
Internal Revenue Code, such an amount is hereby appropriated from 61459  
those funds designated by or pursuant to the applicable 61460  
proceedings authorizing the issuance of state obligations. 61461

Payments for this purpose shall be approved and vouchered by 61462

the Office of Budget and Management. 61463

**Section 505.20.** STATEWIDE INDIRECT COST RECOVERY 61464

Whenever the Director of Budget and Management determines 61465  
that an appropriation made to a state agency from a fund of the 61466  
state is insufficient to provide for the recovery of statewide 61467  
indirect costs under section 126.12 of the Revised Code, the 61468  
amount required for such purpose is hereby appropriated from the 61469  
available receipts of such fund. 61470

**Section 505.30.** TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 61471  
COST ALLOCATION PLAN 61472

The total transfers made from the General Revenue Fund by the 61473  
Director of Budget and Management under this section shall not 61474  
exceed the amounts transferred into the General Revenue Fund under 61475  
section 126.12 of the Revised Code. 61476

The director of an agency may certify to the Director of 61477  
Budget and Management the amount of expenses not allowed to be 61478  
included in the Statewide Indirect Cost Allocation Plan under 61479  
federal regulations, from any fund included in the Statewide 61480  
Indirect Cost Allocation Plan, prepared as required by section 61481  
126.12 of the Revised Code. 61482

Upon determining that no alternative source of funding is 61483  
available to pay for such expenses, the Director of Budget and 61484  
Management may transfer cash from the General Revenue Fund into 61485  
the fund for which the certification is made, up to the amount of 61486  
the certification. The director of the agency receiving such funds 61487  
shall include, as part of the next budget submission prepared 61488  
under section 126.02 of the Revised Code, a request for funding 61489  
for such activities from an alternative source such that further 61490  
federal disallowances would not be required. 61491

The director of an agency may certify to the Director of 61492

Budget and Management the amount of expenses paid in error from a 61493  
fund included in the Statewide Indirect Cost Allocation Plan. The 61494  
Director of Budget and Management may transfer cash from the fund 61495  
from which the expenditure should have been made into the fund 61496  
from which the expenses were erroneously paid, up to the amount of 61497  
the certification. 61498

The director of an agency may certify to the Director of 61499  
Budget and Management the amount of expenses or revenues not 61500  
allowed to be included in the Statewide Indirect Cost Allocation 61501  
Plan under federal regulations, for any fund included in the 61502  
Statewide Indirect Cost Allocation Plan, for which the federal 61503  
government requires payment. If the Director of Budget and 61504  
Management determines that an appropriation made to a state agency 61505  
from a fund of the state is insufficient to pay the amount 61506  
required by the federal government, the amount required for such 61507  
purpose is hereby appropriated from the available receipts of such 61508  
fund, up to the amount of the certification. 61509

**Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 61510

Notwithstanding any provision of law to the contrary, on or 61511  
before the first day of September of each fiscal year, the 61512  
Director of Budget and Management, in order to reduce the payment 61513  
of adjustments to the federal government, as determined by the 61514  
plan prepared under division (A) of section 126.12 of the Revised 61515  
Code, may designate such funds as the Director considers necessary 61516  
to retain their own interest earnings. 61517

**Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 61518

Pursuant to the plan for compliance with the Federal Cash 61519  
Management Improvement Act required by section 131.36 of the 61520  
Revised Code, the Director of Budget and Management may cancel and 61521  
re-establish all or part of encumbrances in like amounts within 61522

the funds identified by the plan. The amounts necessary to 61523  
re-establish all or part of encumbrances are hereby appropriated. 61524

**Section 505.60.** INTEREST EARNINGS FOR FEDERAL FUNDS 61525

Notwithstanding section 113.09 of the Revised Code, the 61526  
Director of Budget and Management may designate any fund within 61527  
the state treasury that receives federal revenue to be credited 61528  
with investment earnings to comply with federal law. 61529

**Section 509.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF 61530  
INTEREST EARNED 61531

Notwithstanding any provision of law to the contrary, the 61532  
Director of Budget and Management, through June 30, 2023, may 61533  
transfer interest earned by any state fund to the General Revenue 61534  
Fund. This section does not apply to funds whose source of revenue 61535  
is restricted or protected by the Ohio Constitution, federal tax 61536  
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 61537  
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 61538

**Section 509.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND 61539  
FROM NON-GRF FUNDS 61540

Notwithstanding any provision of law to the contrary, the 61541  
Director of Budget and Management may transfer up to \$200,000,000 61542  
cash, during the biennium ending June 30, 2023, from non-General 61543  
Revenue Funds that are not constitutionally restricted to the 61544  
General Revenue Fund. 61545

**Section 509.50.** MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 61546

On October 1, 2021, or as soon as possible thereafter, the 61547  
Director of Commerce and the Executive Director of the Board of 61548  
Pharmacy shall consult with the Director of Budget and Management 61549  
to determine a repayment schedule for the biennium ending June 30, 61550

2023, to fully repay transfers on behalf of each agency from the  
Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical  
Marijuana Control Program Fund (Fund 5YS0). Payments made by the  
Department of Commerce and the Board of Pharmacy in accordance  
with this repayment schedule shall be credited to the General  
Revenue Fund.

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**Section 512.10.** GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO  
FUND

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On July 1, 2021, or as soon as possible thereafter, the  
Director of Budget and Management may transfer up to \$20,000,000  
cash from the General Revenue Fund to the Tourism Ohio Fund (Fund  
5MJ0).

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**Section 512.20.** GENERAL REVENUE FUND TRANSFER TO STATEWIDE  
TREATMENT AND PREVENTION FUND

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Notwithstanding any provision of law to the contrary, in each  
fiscal year of the biennium ending June 30, 2023, the Director of  
Budget and Management may transfer up to \$5,000,000 cash from the  
General Revenue Fund to the Statewide Treatment and Prevention  
Fund (Fund 4750).

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**Section 512.30.** GENERAL REVENUE FUND TRANSFER TO STATEWIDE  
COMMUNITY POLICE RELATIONS FUND

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Notwithstanding any provision of law to the contrary, in  
fiscal year 2023, the Director of Budget and Management may  
transfer up to \$1,150,000 cash from the General Revenue Fund to  
the Statewide Community Police Relations Fund (Fund 5RS0).

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**Section 512.40.** GENERAL REVENUE FUND TRANSFER TO TARGETED  
ADDICTION PROGRAM FUND

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Notwithstanding any provision of law to the contrary, in each

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fiscal year of the biennium ending June 30, 2023, the Director of Budget and Management may transfer up to \$23,750,000 cash from the General Revenue Fund to the Targeted Addiction Program Fund (Fund 5TZ0).

**Section 512.70.** GENERAL REVENUE FUND TRANSFER TO STUDENT WELLNESS AND SUCCESS FUND

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to \$500,000,000 cash in fiscal year 2022 and up to \$600,000,000 cash in fiscal year 2023 from the General Revenue Fund to the Student Wellness and Success Fund (Fund 5VS0), which is hereby created in the state treasury.

**Section 513.10.** FISCAL YEAR 2021 GENERAL REVENUE FUND ENDING BALANCE

Notwithstanding section 131.44 of the Revised Code, the Director of Budget and Management shall determine the surplus General Revenue Fund revenue that existed on June 30, 2021. Notwithstanding any provision of law to the contrary, except for the transfers listed in this section, the surplus shall remain in the General Revenue Fund. The Director shall transfer cash, not to exceed the amount of the surplus revenue from the General Revenue Fund in the following order:

(A) Up to \$25,000,000 cash to the Emergency Purposes Fund (Fund 5KM0);

(B) Up to \$25,000,000 cash to the Disaster Services Fund (Fund 5E20);

(C) Up to \$16,300,000 cash to the Tobacco Use Prevention Fund (Fund 5BX0); and

(D) Up to \$16,000,000 cash to the Ohio Governor Imagination

Library Fund (Fund 5JV0). 61608

**Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS** 61609

Unless the agency and nuclear electric utility mutually agree 61610  
to a higher amount by contract, the maximum amounts that may be 61611  
assessed against nuclear electric utilities under division (B)(2) 61612  
of section 4937.05 of the Revised Code and deposited into the 61613  
specified funds are as follows: 61614

<u>Fund</u>	<u>User</u>	<u>FY 2022</u>	<u>FY 2023</u>	
Utility	Department of	\$ 101,130	\$ 101,130	61615
Radiological	Agriculture			61616
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$ 1,300,000	\$ 1,300,000	61617
Emergency	Health			
Response Fund				
(Fund 6100)				
ER Radiological	Environmental	\$ 325,370	\$ 332,287	61618
Safety Fund	Protection Agency			
(Fund 6440)				
Emergency	Department of	\$ 1,368,624	\$ 1,378,304	61619
Response Plan	Public Safety			
Fund (Fund 6570)				

**Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS** 61620

(A) On July 1, 2021, or as soon as possible thereafter, the 61621  
Director of Budget and Management shall transfer the cash balance 61622  
from each of the funds as indicated in the table below to the fund 61623  
also indicated in the table below. Upon completion of each 61624  
transfer and on the effective date of its repeal by this act, 61625  
where applicable, the fund from which the cash balance was 61626  
transferred is hereby abolished. 61627

User	Transfer from:		Transfer to:		
Agency	Fund	Fund Name	Fund	Fund Name	
AGO	5L50	Law Enforcement Assistance Fund	4210	Peace Officer Training Academy Fee	61628 61629 61630
AGO	5MP0	Peace Officer Training Commission Fund	5LR0	Ohio Law Enforcement Training Fund	61631
DNR	2040	Information Services	1570	Central Support Indirect Chargeback	61632
DNR	2050	Human Resources Direct Services	1570	Central Support Indirect Chargeback	61633
DNR	2230	Law Enforcement Administration	1570	Central Support Indirect Chargeback	61634
DNR	6350	Fountain Square Management	1570	Central Support Indirect Chargeback	61635
DPS	3290	Disaster Services Plan and Grant Administration	3370	Disaster Relief Fund	61636
DPS	3N50	US DOE Grant	3370	Disaster Relief Fund	61637
EDU	3FD0	Race to the Top	GRF	GRF	61638
EDU	4550	Commodity Foods Fund	1380	Computer Services Fund	61639
MCD	5SC0	Medicaid Services - Physical UPL	5AN0	Care Innovation and Community Improvement Program	61640

(B) The following funds are hereby abolished on the effective date of their repeal by this act: 61641  
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User	Fund	Fund Name	
DPS	3DU0	Public Safety Federal Grants	61643 61644
DPS	3FK0	Justice Assistance Grant FFY11	61645
DPS	3FY0	Justice Assistance Grant FFY12	61646
DPS	3FZ0	Justice Assistance Grant FFY13	61647
DPS	3GA0	Justice Assistance Grant FFY15	61648

**Section 518.10.** (A) As used in Sections 518.10 to 518.16 of this act, "business certification programs" means the Minority Business Enterprise program, the Encouraging Diversity, Growth, and Equity program, the Women-owned Business Enterprise program, and the Veteran-friendly Business Procurement program.

(B) On July 1, 2021, the administration of the business certification programs shall be transferred from the Department of Administrative Services to the Department of Development.

(C) Business related to the business certification programs commenced but not completed by the Department of Administrative Services on July 1, 2021, shall be completed by the Department of Development, as appropriate, in the same manner, and with the same effect, as if completed by the Department of Administrative Services. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section but shall be administered by the Director of Development or the Department of Development, as appropriate.

(D) The rules, orders, and determinations of the Department of Administrative Services pertaining to the business certification programs continue in effect as rules, orders, and determinations of the Department of Development until modified or rescinded by that agency.

(E) No judicial or administrative action or proceeding pending on July 1, 2021, is affected by the transfer of functions related to the business certification programs from the Director of Administrative Services or the Department of Administrative Services to the Director of Development or the Department of Development, and those actions related to the administration of these programs shall be prosecuted or defended in the name of the Director of Development or the Department of Development, as

appropriate. On application to the court or other tribunal, the 61680  
Director of Development or the Department of Development, 61681  
whichever is appropriate, shall be substituted as a party in such 61682  
actions and proceedings. 61683

(F) When the Equal Employment Coordinator, the Director of 61684  
Administrative Services, or the Department of Administrative 61685  
Services is referred to in any rule, contract, grant, or other 61686  
document related to the administration of the business 61687  
certification programs, the reference is deemed to refer to the 61688  
Director or Department of Development, as appropriate. 61689

**Section 518.11.** Notwithstanding sections 4117.08 and 4117.10 61690  
of the Revised Code, the transfer of the business certification 61691  
programs from the Department of Administrative Services to the 61692  
Department of Development and the reassignment of certain 61693  
functions and duties of the Department of Administrative Services 61694  
by this act are not appropriate subjects for collective bargaining 61695  
under Chapter 4117. of the Revised Code. 61696

**Section 518.12.** (A) Subject to the layoff provisions of 61697  
sections 124.321 to 124.328 of the Revised Code, on July 1, 2021, 61698  
those employees of the Department of Administrative Services who 61699  
administer the business certification programs are transferred to 61700  
the Department of Development. 61701

(B)(1) During the period beginning July 1, 2021, and ending 61702  
June 30, 2022, the Director of Development may establish, change, 61703  
and abolish positions of the Department of Development and assign, 61704  
reassign, classify, reclassify, transfer, reduce, promote, or 61705  
demote all employees of the Department who are not subject to 61706  
Chapter 4117. of the Revised Code. 61707

(2) The authority granted under division (B)(1) of this 61708  
section includes assigning or reassigning an exempt employee, as 61709

defined in section 124.152 of the Revised Code, to a bargaining 61710  
unit classification if the Director determines that the bargaining 61711  
unit classification is the proper classification for that 61712  
employee. If an employee in the E-1 pay range is to be assigned, 61713  
reassigned, classified, reclassified, transferred, reduced, or 61714  
demoted to a position in a lower classification during the period 61715  
specified in division (B)(1) of this section, the Director of 61716  
Development, or in the case of transfer outside the Department of 61717  
Development, the Director of Administrative Services, shall assign 61718  
the employee to the appropriate classification and place the 61719  
employee in Step X. The employee shall not receive any increase in 61720  
compensation until the maximum rate of pay for that classification 61721  
exceeds the employee's compensation. 61722

(3) Actions taken by the Director of Development pursuant to 61723  
division (B)(1) of this section are not subject to appeal to the 61724  
State Personnel Board of Review. 61725

**Section 518.13.** The Director of Development may enter into 61726  
one or more contracts with private or government entities for 61727  
staff training and development to facilitate the transfer of staff 61728  
and duties related to the business certification programs from the 61729  
Department of Administrative Services to the Department of 61730  
Development. Division (B) of section 127.16 of the Revised Code 61731  
does not apply to contracts entered into under this section. 61732

**Section 518.14.** Notwithstanding division (D) of section 61733  
127.14 and section 131.35 of the Revised Code, except for the 61734  
General Revenue Fund, the Controlling Board may, upon the request 61735  
of the Director of Development, increase appropriations for any 61736  
fund, as necessary, to assist in paying either or both of the 61737  
following as a result of the transfer described in Sections 518.10 61738  
to 518.13 of this act: (1) The costs of increases in employee 61739  
compensation that occur on or after July 1, 2021, pursuant to 61740

collective bargaining agreements under Chapter 4117. of the 61741  
Revised Code; (2) The costs of salary increases on or after July 61742  
1, 2021, for employees who are exempt from collective bargaining 61743  
that are provided under law. Such amounts are hereby appropriated. 61744

**Section 518.15.** (A) Notwithstanding any provision of the law 61745  
to the contrary, on or after the effective date of this section, 61746  
the Director of Budget and Management shall make budget and 61747  
accounting changes made necessary by the transfer described in 61748  
Section 518.10 of this act, including administrative organization, 61749  
program transfers, the renaming of funds, the creating of new 61750  
funds, the transfer of state funds and the consolidation of funds 61751  
as authorized by Section 518.10 of this act. The Director may, if 61752  
necessary, cancel or establish encumbrances or parts of 61753  
encumbrances in fiscal years 2021 and 2022 in the appropriate fund 61754  
and appropriation items for the same purpose and for payment to 61755  
the same vendor. The established encumbrances are hereby 61756  
appropriated. 61757

(B) All records, documents, files, equipment, assets, and 61758  
other materials of the business certification programs are 61759  
transferred from the Department of Administrative Services to the 61760  
Department of Development. 61761

**Section 518.16.** (A) On and after July 1, 2021, the Director 61762  
of the Legislative Service Commission shall renumber the rules of 61763  
the Department of Administrative Services set forth in Chapter 61764  
123:2-14 of the Ohio Administrative Code and Section 123:5-1-16 of 61765  
the Ohio Administrative Code to reflect their transfer to the 61766  
Department of Development. 61767

(B) Notwithstanding section 121.95 of the Revised Code, any 61768  
new rules or amendments to the rules implementing sections 61769  
122.921, 122.922, 121.924, or 122.925 of the Revised Code that are 61770

proposed before June 30, 2023, are not subject to division (F) of 61771  
section 121.95 of the Revised Code. 61772

**Section 518.20.** On the effective date of this section, the 61773  
Development Services Agency is renamed the Department of 61774  
Development and the Director of Development Services is 61775  
redesignated the Director of Development. 61776

All of the Development Services Agency's rules, orders, and 61777  
determinations continue in effect as rules, orders, and 61778  
determinations of the Department of Development until modified or 61779  
rescinded by the Department. All employees of the Development 61780  
Services Agency continue with the Department of Development and 61781  
retain their positions and all benefits accruing thereto. Except 61782  
as otherwise noted in law, whenever the Development Services 61783  
Agency or the Director of Development Services is referred to in a 61784  
statute, rule, contract, or other instrument, the reference is 61785  
deemed to refer to the Department of Development or to the 61786  
Director of Development, whichever is appropriate in context. No 61787  
pending action or proceeding being prosecuted or defended in court 61788  
or before an agency by the Development Services Agency or by the 61789  
Director of Development Services is affected by the renaming and 61790  
shall be prosecuted or defended in the name of the Department of 61791  
Development or the Director of Development, whichever is 61792  
appropriate. Upon application to the court or agency, the 61793  
Department of Development or the Director of Development shall be 61794  
substituted. 61795

**Section 518.30.** (A) On December 30, 2021, the Southern Ohio 61796  
Agricultural Community Development Foundation is hereby abolished. 61797  
The Department of Agriculture is successor to and assumes any 61798  
remaining obligations and authority of the Foundation. Any 61799  
business commenced, but not completed by the Foundation, shall be 61800  
completed by the Department in the same manner and with the same 61801

effect as if completed by the Foundation. Any validation, right, 61802  
cure, privilege, remedy, obligation, or liability is not lost or 61803  
impaired solely by this abolishment and shall be administered by 61804  
the Department. Any action or proceeding pending on the effective 61805  
date of this section is not affected by the abolishment of the 61806  
Foundation and shall be defended in the name of the Department. In 61807  
all such actions and proceedings, the Department may be 61808  
substituted as a party upon application to the court or other 61809  
tribunal. 61810

(B) Notwithstanding any provision of law to the contrary, the 61811  
Department of Agriculture shall designate the positions and 61812  
employees of the Foundation, if any, to be transferred to the 61813  
Department. Any employee transferred to the Department retains the 61814  
employee's respective classification. However, the Department may 61815  
reassign and reclassify the employee's position and compensation 61816  
as the Department determines to be in the best interest of the 61817  
Department. The Department shall assist with and provide payment 61818  
for the filing fees of any required financial disclosure 61819  
statements of members of the board of trustees or employees of the 61820  
Foundation for calendar year 2021. 61821

(C) Notwithstanding section 145.297 of the Revised Code, the 61822  
Department may, at the Department's discretion and with the 61823  
approval of the Office of Budget and Management, establish a 61824  
retirement incentive plan for eligible employees of the Foundation 61825  
who are members of the Public Employee Retirement System. Any 61826  
retirement incentive plan established pursuant to this section 61827  
shall remain in effect until December 29, 2021. 61828

(D) On or before December 30, 2021, all equipment, assets, 61829  
supplies, records, and other property of the Foundation are 61830  
transferred to the Department of Agriculture or shall be disposed 61831  
of in a lawful manner. 61832

(E) On December 30, 2021, all rules of the Foundation are hereby rescinded. 61833  
61834

(F) On December 30, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Southern Ohio Agricultural and Community Development Operating Expenses Fund (Fund 5M90) to the Ohio Proud Marketing Fund (Fund 4R00). Upon completion of the transfer, the Southern Ohio Agricultural and Community Development Operating Expenses Fund (Fund 5M90) is hereby abolished. The Director of Budget and Management shall cancel any existing encumbrances against appropriation item 945601, Operating Expenses, and re-establish them against 700636, Ohio Proud Marketing. The re-established amounts are hereby appropriated. 61835  
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On December 30, 2021, or as soon as possible thereafter, the Treasurer of State shall remit the cash balance of the Southern Ohio Agricultural and Community Development Foundation Endowment Fund to the Ohio Proud Marketing Fund (Fund 4R00). Upon completion of this remittance, the Southern Ohio Agricultural and Community Development Foundation Endowment Fund is hereby abolished. 61846  
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No cash transferred or remitted under this division shall be used to hire an executive agency lobbyist as defined under section 121.60 of the Revised Code, or a legislative agent, as defined under section 101.70 of the Revised Code. 61852  
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(G) Notwithstanding any provision of law to the contrary, the Department of Agriculture shall, in consultation with the Department of Administrative Services and the Office of Budget and Management, attend to any matters associated with winding up the affairs of the Southern Ohio Agricultural and Community Development Foundation including but not limited to coordination of a final audit of the Foundation. If it is determined by the Director of Agriculture that additional appropriation is necessary in appropriation item 945601, Operating Expenses, or after 61856  
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December 30, 2021, in appropriation item 700636, Ohio Proud 61865  
Marketing, to wind up the affairs of the Foundation including to 61866  
pay for any final audit or other expenditures of the Foundation, 61867  
the Director of Agriculture shall certify the amount of additional 61868  
appropriation needed to the Director of Budget and Management. 61869  
Upon the approval of the Director of Budget and Management, 61870  
amounts up to those certified by the Director of Agriculture are 61871  
hereby appropriated for that purpose. 61872

(H) Notwithstanding any provision of law to the contrary, on 61873  
or after the effective date of this section, the Director of 61874  
Budget and Management may make accounting and budgeting changes 61875  
necessary to effectuate this section. The Director may, if 61876  
necessary, cancel or establish encumbrances or parts of 61877  
encumbrances in fiscal years 2022 and 2023 in the appropriate fund 61878  
and appropriation item for the same purpose and for payment to the 61879  
same vendor. 61880

**Section 518.40.** (A)(1) Subject to the layoff provisions of 61881  
sections 124.321 to 124.328 of the Revised Code, on July 1, 2021, 61882  
or as soon thereafter as can be effectuated, any employees of the 61883  
Department of Health identified necessary to the operation of a 61884  
central warehouse are transferred to the Department of 61885  
Administrative Services. The employees shall retain their 61886  
positions and benefits. 61887

(2) The Director of Administrative Services may establish, 61888  
change, and abolish positions of the Department of Health and 61889  
assign, reassign, classify, reclassify, transfer, reduce, promote, 61890  
or demote all employees of the Department of Health who are not 61891  
subject to Chapter 4117. of the Revised Code. 61892

(3) The authority granted under division (A)(2) of this 61893  
section includes assigning or reassigning an exempt employee, as 61894  
defined in section 124.152 of the Revised Code, to a bargaining 61895

unit classification if the Director of Administrative Services 61896  
determines that the bargaining unit classification is the proper 61897  
classification for that employee. If an employee in the E-1 pay 61898  
range is to be assigned, reassigned, classified, reclassified, 61899  
transferred, reduced, or demoted to a position in a lower 61900  
classification during the period specified in division (A)(1) of 61901  
this section, the Director of Administrative Services shall assign 61902  
the employee to the appropriate classification and place the 61903  
employee in Step X. The employee shall not receive any increase in 61904  
compensation until the maximum rate of pay for that classification 61905  
exceeds the employee's compensation. 61906

(4) Actions taken by the Director of Health or the Director 61907  
of Administrative Services under this section are not subject to 61908  
appeal to the State Personnel Board of Review. 61909

(5) On or after July 1, 2021, notwithstanding any provision 61910  
of law to the contrary, the Director of Budget and Management may 61911  
make budget changes made necessary by this section, including 61912  
canceling encumbrances of the Department of Health and 61913  
reestablishing them as encumbrances of the Department of 61914  
Administrative Services. Any reestablished encumbrances are hereby 61915  
appropriated. 61916

**Section 610.10.** That Section 733.61 of H.B. 166 of the 133rd 61917  
General Assembly be amended to read as follows: 61918

**Sec. 733.61.** (A) Notwithstanding section 3319.236 of the 61919  
Revised Code, for the 2019-2020 ~~and 2020-2021~~ school year through 61920  
the 2022-2023 school ~~years~~ year only, a school district, community 61921  
school established under Chapter 3314. of the Revised Code, or 61922  
science, technology, engineering, and mathematics school 61923  
established under Chapter 3326. of the Revised Code may permit an 61924  
individual who holds a valid educator license in any of grades 61925

seven through twelve to teach a computer science course if, prior 61926  
to teaching the course, the individual completes a professional 61927  
development program approved by the district superintendent or 61928  
school principal that provides content knowledge specific to the 61929  
course the individual will teach. The superintendent or principal 61930  
shall approve any professional development program endorsed by the 61931  
organization that creates and administers the national Advanced 61932  
Placement examinations as appropriate for the course the 61933  
individual will teach. 61934

(B) Nothing in this section shall permit an individual 61935  
described in division (A) of this section to teach a computer 61936  
science course in a school district or school other than the 61937  
school district or school that employed the individual at the time 61938  
the individual completed the professional development program 61939  
required by that division. 61940

(C) Beginning July 1, ~~2021~~ 2023, a school district or public 61941  
school shall permit an individual to teach a computer science 61942  
course only in accordance with section 3319.236 of the Revised 61943  
Code. 61944

(D) Notwithstanding section 3301.012 of the Revised Code, as 61945  
used in this section, "computer science course" means any course 61946  
that is reported in the education management information system 61947  
established under section 3301.0714 of the Revised Code as a 61948  
computer science course. 61949

**Section 610.11.** That existing Section 733.61 of H.B. 166 of 61950  
the 133rd General Assembly is hereby repealed. 61951

**Section 610.20.** That Sections 125.10 and 125.11 of H.B. 59 of 61952  
the 130th General Assembly (as amended by H.B. 166 of the 133rd 61953  
General Assembly) be amended to read as follows: 61954

**Sec. 125.10.** Sections 5168.01, 5168.02, 5168.03, 5168.04, 61955  
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 61956  
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 61957  
repealed, effective October 16, ~~2021~~ 2023. 61958

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 61959  
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 61960  
Code are hereby repealed, effective October 1, ~~2021~~ 2023. 61961

**Section 610.21.** That existing Sections 125.10 and 125.11 of 61962  
H.B. 59 of the 130th General Assembly (as amended by H.B. 166 of 61963  
the 133rd General Assembly) are hereby repealed. 61964

**Section 610.30.** That Section 757.50 of H.B. 59 of the 130th 61965  
General Assembly is hereby repealed. 61966

**Section 701.10.** STATE PAY FOR SUCCESS CONTRACT FUND 61967

The State Pay for Success Contract Fund shall be used for the 61968  
purpose of funding a pay for success project pursuant to section 61969  
113.60 of the Revised Code. The Treasurer of State, in 61970  
consultation with the Director of Administrative Services and 61971  
Chancellor of Higher Education, shall initiate a pay for success 61972  
contract with a service intermediary, as selected by the 61973  
Department of Higher Education, and a service provider, as 61974  
required, to improve Ohio National Guard Scholarship utilization 61975  
and the postsecondary outcomes for scholarship recipients. The 61976  
program shall be delivered to eligible Ohio National Guard members 61977  
planning to matriculate at a state institution of higher education 61978  
in Ohio, as defined under section 3345.12 of the Revised Code. 61979

**Section 701.20.** The Director of Development shall adopt rules 61980  
prescribing the alternative eligibility requirements described by 61981

division (I) of section 122.17 of the Revised Code, as amended by 61982  
this act, as soon as possible following the effective date of this 61983  
section. 61984

**Section 701.30.** The intent of the General Assembly in 61985  
amending section 169.07 of the Revised Code is to make clear that 61986  
the section should be read to mean that the Director of Commerce 61987  
is not required to hold harmless or intervene and assume the 61988  
defense of a holder that has failed to act in good faith and in 61989  
compliance with Chapter 169. of the Revised Code and its 61990  
accompanying regulations when reporting unclaimed property. It is 61991  
not meant to insure or indemnify the holder against the holder's 61992  
own acts or omissions, negligence, bad faith, or breach of any 61993  
duties owed the unclaimed funds owner or the Director. 61994

**Section 733.20.** (A) In furtherance of the State of Ohio's 61995  
intent to improve affordability in higher education, and in 61996  
recognition of the positive achievements of the Ohio Faculty 61997  
Council's October 2017 resolution supporting textbook 61998  
affordability initiatives, the State of Ohio hereby tasks Ohio's 61999  
institutions of higher education with evaluating their respective 62000  
implementation of textbook affordability initiatives. 62001

(B)(1) Consistent with requirements in Title I, Section 133 62002  
of the federal "Higher Education Opportunity Act of 2008," 62003  
institutions of higher education receiving federal financial aid 62004  
shall disclose required and recommended textbooks not later than 62005  
the time at which students can first begin to register for a 62006  
course. 62007

(2) Prior to academic year 2022-2023, the administration of 62008  
each state institution of higher education, as defined in section 62009  
3345.011 of the Revised Code, shall work collaboratively with the 62010  
institution's faculty senate, or equivalent body, to consider 62011

adopting a formally recognized textbook auto-adoption policy. 62012

(3) The administration and faculty senate may use, as an 62013  
example, the textbook auto-adoption policy implemented by faculty 62014  
at Wright State University in 2018, under which faculty members 62015  
retain full authority in selecting textbooks and materials 62016  
appropriate for their classes. 62017

(C) Not later than August 15, 2022, the board of trustees of 62018  
each state institution of higher education shall adopt a 62019  
resolution or otherwise formally vote to affirm or decline 62020  
adoption of the policy. If the board of trustees adopts the policy 62021  
as agreed upon by the administration and faculty senate, the state 62022  
institution shall formally transmit a copy of its resolution to 62023  
the Chancellor of Higher Education. 62024

**Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM** 62025

There is hereby established in the Highway Operating Fund 62026  
(Fund 7002), used by the Department of Transportation, a Diesel 62027  
Emissions Reduction Grant Program. The Director of Environmental 62028  
Protection shall administer the program and shall solicit, 62029  
evaluate, score, and select projects submitted by public and 62030  
private entities that are eligible for the federal Congestion 62031  
Mitigation and Air Quality (CMAQ) Program. The Director of 62032  
Transportation shall process Federal Highway 62033  
Administration-approved projects as recommended by the Director of 62034  
Environmental Protection. 62035

In addition to the allowable expenditures set forth in 62036  
section 122.861 of the Revised Code, Diesel Emissions Reduction 62037  
Grant Program funds also may be used to fund projects involving 62038  
the purchase or use of hybrid and alternative fuel vehicles that 62039  
are allowed under guidance developed by the Federal Highway 62040  
Administration for the CMAQ Program. 62041

Public entities eligible to receive funds under section 62042  
122.861 of the Revised Code and CMAQ shall be reimbursed from 62043  
moneys in Fund 7002 designated for the Department of 62044  
Transportation's Diesel Emissions Reduction Grant Program. 62045

Private entities eligible to receive funds under section 62046  
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 62047  
direction of the local public agency sponsor and upon approval of 62048  
the Department of Transportation, through direct payments. These 62049  
reimbursements shall be made from moneys in Fund 7002 designated 62050  
for the Department of Transportation's Diesel Emissions Reduction 62051  
Grant Program. Total expenditures from Fund 7002 for the Diesel 62052  
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 62053  
both fiscal year 2022 and fiscal year 2023. 62054

Any allocations under this section represent CMAQ program 62055  
moneys within the Department of Transportation for use by the 62056  
Diesel Emissions Reduction Grant Program by the Environmental 62057  
Protection Agency. These allocations shall not reduce the amount 62058  
of such moneys designated for metropolitan planning organizations. 62059

The Director of Environmental Protection, in consultation 62060  
with the Director of Transportation, shall develop guidance for 62061  
the distribution of funds and for the administration of the Diesel 62062  
Emissions Reduction Grant Program. The guidance shall include a 62063  
method of prioritization for projects, acceptable technologies, 62064  
and procedures for awarding grants. 62065

**Section 757.10.** The State of Ohio does not intend to collect 62066  
tax on unemployment compensation reported to unsuspecting victims 62067  
of fraud on an Internal Revenue Service form 1099-G from the Ohio 62068  
Department of Job and Family Services consistent with Internal 62069  
Revenue Service Information Release 2021-24. The State of Ohio 62070  
also encourages victims of fraud to report that fraud to the 62071  
agency that issued the 1099-G to avoid potential billings and 62072

assessment from the Internal Revenue Service. 62073

**Section 757.20. BUSINESS INCENTIVE TAX CREDITS** 62074

In order to facilitate an understanding of business incentive 62075  
tax credits, as defined in section 107.036 of the Revised Code, 62076  
the following table provides an estimate of the amount of credits 62077  
that may be authorized in each fiscal year of the 2022-2023 62078  
biennium, an estimate of the credits expected to be claimed in 62079  
each fiscal year of that biennium, and an estimate of the amount 62080  
of credits authorized that will remain outstanding at the end of 62081  
that biennium. In totality, this table provides an estimate of the 62082  
state revenue forgone due to business incentive tax credits in the 62083  
2022-2023 biennium and future biennium. 62084

Biennial Business Incentive Tax Credit Estimates 62085

Estimate of total value of tax credits authorized	Estimate of tax credits issued/claimed	Expected Outstanding credits		62087
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(All figures in  
thousands of dollars)

						62089
Tax	FY 2022	FY 2023	FY 2022	FY 2023	End of	62090
Credit					Biennium	

62091

Job	\$105,000	\$110,000	\$130,000	\$130,000	\$950,000	62092
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Creation  
Tax  
Credit\*

62093

Job	\$ 0	\$ 0	\$38,071	\$33,351	\$47,900	62094
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Retention  
Tax

Credit

62095

Historic \$60,000 \$60,000 \$70,000 \$75,000 \$155,000

62096

Preservation

Tax

Credit

62097

Motion \$40,000 \$40,000 \$47,500 \$42,500 \$85,000

62098

Picture

Tax

Credit

62099

New \$10,000 \$10,000 \$9,850 \$9,500 \$43,500

62100

Markets

Tax

Credit

62101

R&D Loan \$0 \$0 \$1,450 \$1,450 \$5,000

62102

Tax

Credit

62103

InvestOhio \$2,250 \$2,000 \$1,500 \$1,500 \$3,250

62104

Tax

Credit

62105

Ohio \$0 \$0 \$11,250 \$11,250 \$22,500

62106

Rural

Business

62107

Ohio \$25,000 \$25,000 \$20,000 \$20,000 \$0

62108

Opportunity

Zone

Estimate \$242,250 \$247,000 \$329,621 \$324,551 \$1,312,150

62109

Total

\*The Job Creation Tax Credit (JCTC) estimate of credits 62110  
outstanding represents the estimated potential value of 62111  
certificates to be issued under the program in the future with the 62112  
existing portfolio of approved and active incentives. The estimate 62113  
assumes that the companies receiving credits will continue to meet 62114  
the performance objectives required to continue receiving the 62115  
credit. 62116

**Section 803.10.** The amendments by this act to divisions (H) 62117  
and (I) of section 3319.31 of the Revised Code are remedial in 62118  
nature and apply to any proceeding, investigation, or citation 62119  
involving an applicant for an initial license, as defined in that 62120  
section, that, as of the effective date of those amendments, has 62121  
not reached final adjudication, including all available appeals. 62122

**Section 803.20.** The amendment by this act of sections 4303.26 62123  
and 4303.271 of the Revised Code applies to transfer and renewal 62124  
applications filed under those sections that are due on or after 62125  
February 1, 2022. 62126

**Section 803.30.** The amendment by this act of section 5709.121 62127  
of the Revised Code applies to tax year 2021 and every tax year 62128  
thereafter, as well as to any tax year at issue in an application 62129  
for exemption from taxation or any appeal from such an application 62130  
pending before the Tax Commissioner, the Board of Tax Appeals, any 62131  
court of common pleas or court of appeals, or the Supreme Court on 62132  
the effective date of that amendment and to the property that is 62133  
the subject of any such application or appeal. 62134

**Section 803.40.** (A) As used in this section, "exclusive 62135  
property" and "auxiliary property" have the same meanings as in 62136  
section 5709.21 of the Revised Code. 62137

(B) The amendment by this act of section 5709.21 of the Revised Code applies to applications for an exempt facility certificate filed on and after the effective date of this section.

(C) If exclusive property is not listed on an application for an exempt facility certificate filed under section 5709.21 of the Revised Code before the effective date of this section, the burden is on the applicant to prove that such property was installed, used, and necessary for the operation of an exempt facility, and that it is not auxiliary property.

(D) Division (C) of this section is remedial in nature and is intended to clarify the law as it existed prior to its enactment by this act, and shall it be construed accordingly.

**Section 803.50.** The amendment of section 5726.20 of the Revised Code is intended to clarify the law as it existed prior to the enactment of this act and shall be construed accordingly.

**Section 803.60.** The amendment or enactment by this act of divisions (A)(5), (6), and (33) and (S)(5) of section 5747.01 of the Revised Code is intended to clarify the law as it existed before the enactment of this act and shall be construed accordingly.

**Section 803.70.** The amendment by this act of division (H) of section 5747.08 of the Revised Code is intended to clarify the law as it existed before the amendment by this act of that division and shall be construed accordingly. The amendment applies to taxable years beginning on or after January 1, 2016.

**Section 803.80.** The amendment by this act of division (L) of section 5747.08 of the Revised Code applies to taxable years beginning on or after January 1, 2021.

**Section 806.10. SEVERABILITY** 62166

The items of law contained in this act, and their 62167  
applications, are severable. If any item of law contained in this 62168  
act, or if any application of any item of law contained in this 62169  
act, is held invalid, the invalidity does not affect other items 62170  
of law contained in this act and their applications that can be 62171  
given effect without the invalid item of law or application. 62172

**Section 809.10. NO EFFECT AFTER END OF BIENNIUM** 62173

An item of law, other than an amending, enacting, or 62174  
repealing clause, that composes the whole or part of an uncodified 62175  
section contained in this act has no effect after June 30, 2023, 62176  
unless its context clearly indicates otherwise. 62177

**Section 812.10. SUBJECT TO REFERENDUM** 62178

Except as otherwise provided in this act, the amendment, 62179  
enactment, or repeal by this act of a section is subject to the 62180  
referendum under Ohio Constitution, Article II, section 1c and 62181  
therefore takes effect on the ninety-first day after this act is 62182  
filed with the Secretary of State or, if a later effective date is 62183  
specified below, on that date. 62184

The amendment of sections 102.02, 183.021, and 183.33 and the 62185  
repeal of sections 183.12, 183.13, 183.14, 183.15, 183.16, and 62186  
183.17 of the Revised Code by this act take effect December 30, 62187  
2021. 62188

**Section 812.20.** The amendment, new enactment, or repeal by 62189  
this act of the sections listed below is exempt from the 62190  
referendum under section 1d of Article II, Ohio Constitution, and 62191  
therefore takes effect immediately when this act becomes law or, 62192  
if a later effective date is specified below, on that date. 62193

Sections 4301.43 and 5751.03 of the Revised Code. 62194

**Section 812.23.** Sections of this act prefixed with numbers in 62195  
the 200s, 300s, 400s, and 500s and Section 757.10 of this act are 62196  
exempt from the referendum under Ohio Constitution, Article II, 62197  
Section 1d, and therefore take immediate effect when this act 62198  
becomes law. 62199

**Section 820.10.** The General Assembly, applying the principle 62200  
stated in division (B) of section 1.52 of the Revised Code that 62201  
amendments are to be harmonized if reasonably capable of 62202  
simultaneous operation, finds that the following sections, 62203  
presented in this act as composites of the sections as amended by 62204  
the acts indicated, are the resulting versions of the sections in 62205  
effect prior to the effective date of the sections as presented in 62206  
this act: 62207

Section 111.16 of the Revised Code as amended by both H.B. 31 62208  
and H.B. 133 of the 132nd General Assembly. 62209

Section 119.12 of the Revised Code as amended by both H.B. 52 62210  
and H.B. 64 of the 131st General Assembly. 62211

Section 169.13 of the Revised Code as amended by both H.B. 62212  
699 and S.B. 223 of the 126th General Assembly. 62213

Section 2923.13 of the Revised Code as amended by both H.B. 62214  
234 and S.B. 43 of the 130th General Assembly. 62215

Section 2929.14 of the Revised Code as amended by H.B. 63, 62216  
S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General Assembly. 62217

Section 3314.03 of the Revised Code as amended by H.B. 123, 62218  
H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 89, all 62219  
of the 133rd General Assembly. 62220

Section 3319.31 of the Revised Code, as amended by H.B. 123 62221  
and H.B. 263, both of the 133rd General Assembly. 62222

Section 3326.11 of the Revised Code as amended by H.B. 123, 62223  
H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 62224  
General Assembly. 62225

Section 3328.24 of the Revised Code as amended by H.B. 123, 62226  
H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 62227  
General Assembly. 62228

Section 5126.05 of the Revised Code as amended by both H.B. 62229  
158 and H.B. 483 of the 131st General Assembly. 62230

Section 5747.01 of the Revised Code as amended by H.B. 18, 62231  
H.B. 197, S.B. 26, and S.B. 276, all of the 133rd General 62232  
Assembly. 62233