

**As Passed by the Senate**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 265**

**Representatives Manning, Patton**

**Cosponsors: Representatives Manchester, Skindell, LaRe, Bird, Abrams, Baldrige, Blackshear, Boyd, Brent, Brown, Carfagna, Carruthers, Creech, Crossman, Cutrona, Denson, Edwards, Fraizer, Galonski, Ghanbari, Ginter, Hicks-Hudson, Holmes, Howse, Ingram, Jarrells, John, Jones, Kick, Koehler, Lampton, Lanese, Lightbody, Liston, Loychik, Miller, A., Miller, J., Miranda, O'Brien, Oelslager, Pavliga, Plummer, Ray, Richardson, Riedel, Roemer, Russo, Schmidt, Smith, K., Smith, M., Stein, Troy, Upchurch, Weinstein, West, White, Young, T.**

**Senators Antonio, Blessing, Cirino, Craig, Dolan, Fedor, Gavarone, Hackett, Hoagland, Hottinger, Huffman, S., Johnson, Kunze, Manning, Reineke, Romanchuk, Rulli, Schaffer, Schuring, Sykes, Thomas, Williams, Wilson, Yuko**

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**A BILL**

To amend sections 1923.02, 2950.034, 5103.13, 1  
5103.131, 5321.03, and 5321.051; to amend, for 2  
the purpose of adopting a new section number as 3  
indicated in parentheses, section 5103.132 4  
(5103.6016); and to enact sections 5103.60, 5  
5103.602, 5103.603, 5103.608, 5103.609, 6  
5103.6010, 5103.6011, 5103.6012, 5103.6015, 7  
5103.6017, 5103.6018, 5103.61, 5103.611, 8  
5103.612, 5103.614, 5103.615, and 5103.617 of 9  
the Revised Code regarding children's crisis 10  
care facilities and residential infant care 11  
centers. 12

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

**Section 1.** That sections 1923.02, 2950.034, 5103.13, 13  
5103.131, 5321.03, and 5321.051 be amended; section 5103.132 14  
(5103.6016) be amended for the purpose of adopting a new section 15  
number as indicated in parentheses; and sections 5103.60, 16  
5103.602, 5103.603, 5103.608, 5103.609, 5103.6010, 5103.6011, 17  
5103.6012, 5103.6015, 5103.6017, 5103.6018, 5103.61, 5103.611, 18  
5103.612, 5103.614, 5103.615, and 5103.617 of the Revised Code 19  
be enacted to read as follows: 20

**Sec. 1923.02.** (A) Proceedings under this chapter may be 21  
had as follows: 22

(1) Against tenants or manufactured home park residents 23  
holding over their terms; 24

(2) Against tenants or manufactured home park residents in 25  
possession under an oral tenancy, who are in default in the 26  
payment of rent as provided in division (B) of this section; 27

(3) In sales of real estate, on executions, orders, or 28  
other judicial process, when the judgment debtor was in 29  
possession at the time of the rendition of the judgment or 30  
decree, by virtue of which the sale was made; 31

(4) In sales by executors, administrators, or guardians, 32  
and on partition, when any of the parties to the complaint were 33  
in possession at the commencement of the action, after the 34  
sales, so made on execution or otherwise, have been examined by 35  
the proper court and adjudged legal; 36

(5) When the defendant is an occupier of lands or 37  
tenements, without color of title, and the complainant has the 38  
right of possession to them; 39

(6) In any other case of the unlawful and forcible 40  
detention of lands or tenements. For purposes of this division, 41

in addition to any other type of unlawful and forcible detention 42  
of lands or tenements, such a detention may be determined to 43  
exist when both of the following apply: 44

(a) A tenant fails to vacate residential premises within 45  
three days after both of the following occur: 46

(i) The tenant's landlord has actual knowledge of or has 47  
reasonable cause to believe that the tenant, any person in the 48  
tenant's household, or any person on the premises with the 49  
consent of the tenant previously has or presently is engaged in 50  
a violation of Chapter 2925. or 3719. of the Revised Code, or of 51  
a municipal ordinance that is substantially similar to any 52  
section in either of those chapters, which involves a controlled 53  
substance and which occurred in, is occurring in, or otherwise 54  
was or is connected with the premises, whether or not the tenant 55  
or other person has been charged with, has pleaded guilty to or 56  
been convicted of, or has been determined to be a delinquent 57  
child for an act that, if committed by an adult, would be a 58  
violation as described in this division. For purposes of this 59  
division, a landlord has "actual knowledge of or has reasonable 60  
cause to believe" that a tenant, any person in the tenant's 61  
household, or any person on the premises with the consent of the 62  
tenant previously has or presently is engaged in a violation as 63  
described in this division if a search warrant was issued 64  
pursuant to Criminal Rule 41 or Chapter 2933. of the Revised 65  
Code; the affidavit presented to obtain the warrant named or 66  
described the tenant or person as the individual to be searched 67  
and particularly described the tenant's premises as the place to 68  
be searched, named or described one or more controlled 69  
substances to be searched for and seized, stated substantially 70  
the offense under Chapter 2925. or 3719. of the Revised Code or 71  
the substantially similar municipal ordinance that occurred in, 72

is occurring in, or otherwise was or is connected with the 73  
tenant's premises, and states the factual basis for the 74  
affiant's belief that the controlled substances are located on 75  
the tenant's premises; the warrant was properly executed by a 76  
law enforcement officer and any controlled substance described 77  
in the affidavit was found by that officer during the search and 78  
seizure; and, subsequent to the search and seizure, the landlord 79  
was informed by that or another law enforcement officer of the 80  
fact that the tenant or person has or presently is engaged in a 81  
violation as described in this division and it occurred in, is 82  
occurring in, or otherwise was or is connected with the tenant's 83  
premises. 84

(ii) The landlord gives the tenant the notice required by 85  
division (C) of section 5321.17 of the Revised Code. 86

(b) The court determines, by a preponderance of the 87  
evidence, that the tenant, any person in the tenant's household, 88  
or any person on the premises with the consent of the tenant 89  
previously has or presently is engaged in a violation as 90  
described in division (A) (6) (a) (i) of this section. 91

(7) In cases arising out of Chapter 5313. of the Revised 92  
Code. In those cases, the court has the authority to declare a 93  
forfeiture of the vendee's rights under a land installment 94  
contract and to grant any other claims arising out of the 95  
contract. 96

(8) Against tenants who have breached an obligation that 97  
is imposed by section 5321.05 of the Revised Code, other than 98  
the obligation specified in division (A) (9) of that section, and 99  
that materially affects health and safety. Prior to the 100  
commencement of an action under this division, notice shall be 101  
given to the tenant and compliance secured with section 5321.11 102

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| of the Revised Code.   | 103 |
| (9) Against tenants who have breached an obligation              | 104 |
| imposed upon them by a written rental agreement;                 | 105 |
| (10) Against manufactured home park residents who have           | 106 |
| defaulted in the payment of rent or breached the terms of a      | 107 |
| rental agreement with a park operator. Nothing in this division  | 108 |
| precludes the commencement of an action under division (A) (12)  | 109 |
| of this section when the additional circumstances described in   | 110 |
| that division apply.   | 111 |
| (11) Against manufactured home park residents who have           | 112 |
| committed two material violations of the rules of the            | 113 |
| manufactured home park, of the division of industrial compliance | 114 |
| of the department of commerce, or of applicable state and local  | 115 |
| health and safety codes and who have been notified of the        | 116 |
| violations in compliance with section 4781.45 of the Revised     | 117 |
| Code;  | 118 |
| (12) Against a manufactured home park resident, or the           | 119 |
| estate of a manufactured home park resident, who as a result of  | 120 |
| death or otherwise has been absent from the manufactured home    | 121 |
| park for a period of thirty consecutive days prior to the        | 122 |
| commencement of an action under this division and whose          | 123 |
| manufactured home or mobile home, or recreational vehicle that   | 124 |
| is parked in the manufactured home park, has been left           | 125 |
| unoccupied for that thirty-day period, without notice to the     | 126 |
| park operator and without payment of rent due under the rental   | 127 |
| agreement with the park operator;                                | 128 |
| (13) Against occupants of self-service storage facilities,       | 129 |
| as defined in division (A) of section 5322.01 of the Revised     | 130 |
| Code, who have breached the terms of a rental agreement or       | 131 |

violated section 5322.04 of the Revised Code; 132

(14) Against any resident or occupant who, pursuant to a 133  
rental agreement, resides in or occupies residential premises 134  
located within one thousand feet of any school premises ~~or,~~ 135  
preschool or child day-care center premises, children's crisis 136  
care facility premises, or residential infant care center 137  
premises and to whom both of the following apply: 138

(a) The resident's or occupant's name appears on the state 139  
registry of sex offenders and child-victim offenders maintained 140  
under section 2950.13 of the Revised Code. 141

(b) The state registry of sex offenders and child-victim 142  
offenders indicates that the resident or occupant was convicted 143  
of or pleaded guilty to a sexually oriented offense or a child- 144  
victim oriented offense in a criminal prosecution and was not 145  
sentenced to a serious youthful offender dispositional sentence 146  
for that offense. 147

(15) Against any tenant who permits any person to occupy 148  
residential premises located within one thousand feet of any 149  
school premises ~~or,~~ preschool or child day-care center premises, 150  
children's crisis care facility premises, or residential infant 151  
care center premises if both of the following apply to the 152  
person: 153

(a) The person's name appears on the state registry of sex 154  
offenders and child-victim offenders maintained under section 155  
2950.13 of the Revised Code. 156

(b) The state registry of sex offenders and child-victim 157  
offenders indicates that the person was convicted of or pleaded 158  
guilty to a sexually oriented offense or a child-victim oriented 159  
offense in a criminal prosecution and was not sentenced to a 160

serious youthful offender dispositional sentence for that 161  
offense. 162

(B) If a tenant or manufactured home park resident holding 163  
under an oral tenancy is in default in the payment of rent, the 164  
tenant or resident forfeits the right of occupancy, and the 165  
landlord may, at the landlord's option, terminate the tenancy by 166  
notifying the tenant or resident, as provided in section 1923.04 167  
of the Revised Code, to leave the premises, for the restitution 168  
of which an action may then be brought under this chapter. 169

(C) (1) If a tenant or any other person with the tenant's 170  
permission resides in or occupies residential premises that are 171  
located within one thousand feet of any school premises, 172  
children's crisis care facility premises, or residential infant 173  
care center premises and is a resident or occupant of the type 174  
described in division (A) (14) of this section or a person of the 175  
type described in division (A) (15) of this section, the landlord 176  
for those residential premises, upon discovery that the tenant 177  
or other person is a resident, occupant, or person of that 178  
nature, may terminate the rental agreement or tenancy for those 179  
residential premises by notifying the tenant and all other 180  
occupants, as provided in section 1923.04 of the Revised Code, 181  
to leave the premises. 182

(2) If a landlord is authorized to terminate a rental 183  
agreement or tenancy pursuant to division (C) (1) of this section 184  
but does not so terminate the rental agreement or tenancy, the 185  
landlord is not liable in a tort or other civil action in 186  
damages for any injury, death, or loss to person or property 187  
that allegedly result from that decision. 188

(D) This chapter does not apply to a student tenant as 189  
defined by division (H) of section 5321.01 of the Revised Code 190

when the college or university proceeds to terminate a rental 191  
agreement pursuant to section 5321.031 of the Revised Code. 192

(E) As used in this section, "children's crisis care 193  
facility premises" and "residential infant care center premises" 194  
have the same meanings as in section 2950.034 of the Revised 195  
Code. 196

**Sec. 2950.034.** (A) No person who has been convicted of, is 197  
convicted of, has pleaded guilty to, or pleads guilty to a 198  
sexually oriented offense or a child-victim oriented offense 199  
shall establish a residence or occupy residential premises 200  
within one thousand feet of any school premises ~~or,~~ preschool or 201  
child day-care center premises, children's crisis care facility 202  
premises, or residential infant care center premises. 203

(B) If a person to whom division (A) of this section 204  
applies violates division (A) of this section by establishing a 205  
residence or occupying residential premises within one thousand 206  
feet of any school premises ~~or,~~ preschool or child day-care 207  
center premises, children's crisis care facility premises, or 208  
residential infant care center premises, an owner or lessee of 209  
real property that is located within one thousand feet of those 210  
school premises ~~or,~~ preschool or child day-care center premises, 211  
children's crisis care facility premises, or residential infant 212  
care center premises, or the prosecuting attorney, village 213  
solicitor, city or township director of law, similar chief legal 214  
officer of a municipal corporation or township, or official 215  
designated as a prosecutor in a municipal corporation that has 216  
jurisdiction over the place at which the person establishes the 217  
residence or occupies the residential premises in question, has 218  
a cause of action for injunctive relief against the person. The 219  
plaintiff shall not be required to prove irreparable harm in 220



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| order to obtain the relief.  | 221  |
| (C) As used in this section:   | 222  |
| (1) "Child day-care center" has the same meaning as in section 5104.01 of the Revised Code.  | 223<br>224   |
| (2) <u>"Children's crisis care facility" has the same meaning as in section 5103.13 of the Revised Code.</u>   | 225<br>226   |
| (3) <u>"Children's crisis care facility premises" means both of the following:</u>   | 227<br>228   |
| (a) <u>The parcel of real property on which any children's crisis care facility is situated;</u>   | 229<br>230   |
| (b) <u>Any grounds, play areas, and other facilities of a children's crisis care facility that are regularly used by the children served by the facility.</u>  | 231<br>232<br>233  |
| (4) "Preschool" means any public or private institution or center that provides early childhood instructional or educational services to children who are at least three years of age but less than six years of age and who are not enrolled in or are not eligible to be enrolled in kindergarten, whether or not those services are provided in a child day-care setting. "Preschool" does not include any place that is the permanent residence of the person who is providing the early childhood instructional or educational services to the children described in this division. | 234<br>235<br>236<br>237<br>238<br>239<br>240<br>241<br>242<br>243 |
| <del>(3)</del> (5) "Preschool or child day-care center premises" means all of the following:   | 244<br>245   |
| (a) Any building in which any preschool or child day-care center activities are conducted if the building has signage that indicates that the building houses a preschool or child day-care  | 246<br>247<br>248  |

center, is clearly visible and discernable without obstruction, 249  
and meets any local zoning ordinances which may apply; 250

(b) The parcel of real property on which a preschool or 251  
child day-care center is situated if the parcel of real property 252  
has signage that indicates that a preschool or child day-care 253  
center is situated on the parcel, is clearly visible and 254  
discernable without obstruction, and meets any local zoning 255  
ordinances which may apply; 256

(c) Any grounds, play areas, and other facilities of a 257  
preschool or child day-care center that are regularly used by 258  
the children served by the preschool or child day-care center if 259  
the grounds, play areas, or other facilities have signage that 260  
indicates that they are regularly used by children served by the 261  
preschool or child day-care center, is clearly visible and 262  
discernable without obstruction, and meets any local zoning 263  
ordinances which may apply. 264

(6) "Residential infant care center" has the same meaning 265  
as in section 5103.60 of the Revised Code. 266

(7) "Residential infant care center premises" means both 267  
of the following: 268

(a) The parcel of real property on which any residential 269  
infant care center is situated; 270

(b) Any grounds, play areas, and other facilities of a 271  
residential infant care center that are regularly used by the 272  
children served by the center. 273

**Sec. 5103.13.** (A) As used in this section and section 274  
5103.131 of the Revised Code: 275

(1) (a) "Children's crisis care facility" means a facility 276

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| that has as its primary purpose the provision of residential and      | 277 |
| other care to either or both of the following:                        | 278 |
| (i) One or more preteens voluntarily placed in the                    | 279 |
| facility by the preteen's parent or other caretaker who is            | 280 |
| facing a crisis that causes the parent or other caretaker to          | 281 |
| seek temporary care for the preteen and referral for support          | 282 |
| services;   | 283 |
| (ii) One or more preteens placed in the facility by a                 | 284 |
| public children services agency or private child placing agency       | 285 |
| that has legal custody or permanent custody of the preteen and        | 286 |
| determines that an emergency situation exists necessitating the       | 287 |
| preteen's placement in the facility rather than an institution        | 288 |
| certified under section 5103.03 of the Revised Code or                | 289 |
| elsewhere.  | 290 |
| (b) "Children's crisis care facility" does not include                | 291 |
| <del>either any</del> of the following:                               | 292 |
| (i) Any organization, society, association, school,                   | 293 |
| agency, child guidance center, detention or rehabilitation            | 294 |
| facility, or children's clinic licensed, regulated, approved,         | 295 |
| operated under the direction of, or otherwise certified by the        | 296 |
| department of education, a local board of education, the              | 297 |
| department of youth services, the department of mental health         | 298 |
| and addiction services, or the department of developmental            | 299 |
| disabilities;   | 300 |
| (ii) Any individual who provides care for only a single-              | 301 |
| family group, placed there by their parents or other relative         | 302 |
| having custody;   | 303 |
| <u>(iii) Any residential infant care center, as an entity</u>         | 304 |
| <u>deemed a residential infant care center under section 5103.602</u> | 305 |

of the Revised Code shall no longer be licensed as a children's 306  
crisis care center. 307

(2) "Legal custody" and "permanent custody" have the same 308  
meanings as in section 2151.011 of the Revised Code. 309

(3) "Pediatric medical service" means medical service 310  
required to be provided by, or with oversight from, a licensed 311  
medical professional, including prescribing medication, 312  
administering rectal or intravenous medication, and outpatient 313  
laboratory service, and providing for sick visits, on-site well 314  
child exams, and children assisted by medical technology. 315

(4) "Preteen" means an individual under thirteen years of 316  
age. 317

(B) No person shall operate a children's crisis care 318  
facility or hold a children's crisis care facility out as a 319  
certified children's crisis care facility unless there is a 320  
valid children's crisis care facility certificate issued under 321  
this section for the facility. 322

(C) (1) A person seeking to operate a children's crisis 323  
care facility shall apply to the director of job and family 324  
services to obtain a certificate for the facility. 325

(2) (a) The director shall certify the person's children's 326  
crisis care facility if the facility meets all of the 327  
certification standards established in rules adopted under 328  
division ~~(F)~~ (H) of this section and the person complies with 329  
all of the rules governing the certification of children's 330  
crisis care facilities adopted under that division. The issuance 331  
of a children's crisis care facility certificate does not exempt 332  
the facility from a requirement to obtain another certificate or 333  
license mandated by law. 334

(b) The director shall not issue a waiver to a person for compliance with any of the requirements imposed under this section or any of the rules adopted under division (H) of this section. 335  
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(D)~~(1)~~ No certified children's crisis care facility shall do any of the following: 339  
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~~(a)~~ (1) Provide residential care to a preteen for more than one hundred twenty days in a calendar year; 341  
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~~(b) Subject to division (D) (1) (c) of this section and except as provided in division (D) (2) of this section, provide~~ 343  
(2) Provide residential care to a preteen for more than sixty-ninety consecutive days, which shall include the aggregate of days spent at different facility locations if a preteen is transferred in accordance with division (E) (4) of this section; 344  
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~~(e)~~ (3) Provide residential care to a preteen for more than fourteen consecutive days if a public children services agency or private child placing agency placed the preteen in the facility; 349  
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~~(d)~~ (4) Fail to comply with section 2151.86 of the Revised Code. 353  
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~~(2) A certified children's crisis care facility may provide residential care to a preteen for up to ninety consecutive days, other than a preteen placed in the facility by a public children services agency or private child placing agency, if any of the following are the case:—~~ 355  
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~~(a) The preteen's parent or other caretaker is enrolled in an alcohol and drug addiction service or a community mental health service certified under section 5119.36 of the Revised Code;—~~ 360  
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~~(b) The preteen's parent or other caretaker is an inpatient in a hospital;~~ 364  
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~~(c) The preteen's parent or other caretaker is incarcerated;~~ 366  
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~~(d) A physician has diagnosed the preteen's parent or other caretaker as medically incapacitated.~~ 368  
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(E) A certified children's crisis care facility shall do the following: 370  
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(1) Employ a licensed social worker, a licensed independent social worker, a licensed professional counselor, or a licensed professional clinical counselor; 372  
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(2) Require, if pediatric medical service is provided at the facility, the following for the provision of pediatric medical service: 375  
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(a) Medical service to be provided by a qualified, licensed, and insured medical professional; 378  
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(b) All staff, volunteers, and interns to comply with the privacy requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended; 380  
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(c) If a preteen is admitted by the preteen's parent or caretaker and if the preteen requires ongoing medical care following discharge from the facility, a medical professional or licensed social worker to make the medical professional's or social worker's best effort to ensure the parent or caretaker is competent to provide the ongoing care; 384  
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(d) The facility to have a dedicated and private enclosed space for the purpose of a medical professional to receive and 390  
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treat patients and that contains a sink or tub, medical exam 392  
table, medical record system, and pediatric medical equipment. 393

(3) Require, if a preteen is admitted by the preteen's 394  
parent or caretaker, the facility's licensed social worker, 395  
licensed independent social worker, licensed professional 396  
counselor, or licensed professional clinical counselor to make 397  
their best efforts to ensure the parent or caretaker is 398  
competent in the basic parenting skills needed to care for the 399  
preteen; 400

(4) Require only a transfer summary for the transfer of a 401  
preteen from one certified children's crisis care facility 402  
location to another, if the facility has more than one location; 403

(5) Require the facility to have a dedicated and private 404  
enclosed space for the purpose of completing required admission 405  
paperwork and medical forms; 406

(6) Require the facility to develop a visitation plan for 407  
the preteen's parent or caretaker with the preteen while 408  
residential care is being provided, which shall occur during 409  
awake hours and not include overnight visits, for the parent or 410  
caretaker with the preteen. 411

(F) A certified children's crisis care facility may do the 412  
following: 413

(1) Count administrative staff, interns, and volunteers 414  
toward child staff ratios required under paragraph (G) of rule 415  
5101:2-9-36 of the Administrative Code for up to three hours if 416  
the administrative staff, interns, or volunteers meet the 417  
following requirements: 418

(a) Completed training in the mission of the children's 419  
crisis care facility; 420

(b) Completed training pursuant to rule 5101:2-9-03 of the 421  
Administrative Code; 422

(c) Are supervised by facility staff. 423

(2) Use contracted transportation providers, on whom 424  
criminal records checks have been conducted in accordance with 425  
section 2151.86 of the Revised Code, to transport preteens, if 426  
such use is necessary for the facility to maintain required 427  
child staff ratios. 428

(G) The director of job and family services may suspend or 429  
revoke a children's crisis care facility's certificate pursuant 430  
to Chapter 119. of the Revised Code if the facility violates 431  
division (D) of or fails to comply with any of the requirements 432  
under this section or ceases to meet any of the certification 433  
standards established in rules adopted under division ~~(F)~~ (H) of 434  
this section or the facility's operator ceases to comply with 435  
any of the rules governing the certification of children's 436  
crisis care facilities adopted under that division. 437

~~(F)~~ (H) Not later than ninety days after September 21, 438  
2006, the director of job and family services shall adopt rules 439  
pursuant to Chapter 119. of the Revised Code for the 440  
certification of children's crisis care facilities. The rules 441  
shall specify that a certificate shall not be issued to an 442  
applicant if the conditions at the children's crisis care 443  
facility would jeopardize the health or safety of the preteens 444  
placed in the facility. 445

**Sec. 5103.131.** The department of job and family services 446  
may apply to the United States secretary of health and human 447  
services for a federal grant under the "Child Abuse Prevention 448  
and Treatment Act," 42 U.S.C. 5116, and the "Family First 449



Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741, to 450  
assist children's crisis care facilities certified under section 451  
5103.13 of the Revised Code in providing temporary residential 452  
and other care to preteens. 453

Sec. 5103.60. As used in sections 5103.602 to 5103.6018 of 454  
the Revised Code: 455

(A) "Infant" means a child who is less than one year of 456  
age. 457

(B) "Residential infant care center" means a facility that 458  
has as its primary purpose the provision of residential services 459  
for infants affected by substance use and the preservation of 460  
families through infant diversion practices and programs. 461

Sec. 5103.602. (A) A person seeking to operate a 462  
residential infant care center after the effective date of this 463  
section shall apply to the director of job and family services 464  
to obtain a certificate for the facility. 465

(B) A person who, on the effective date of this section, 466  
is operating a children's crisis care facility that has as its 467  
primary purpose the provision of residential services for 468  
infants affected by substance use and the preservation of 469  
families through infant diversion practices and programs shall 470  
be deemed a residential infant care center by the director if 471  
the center is in compliance with the requirements and rules 472  
described under division (B) of section 5103.603 of the Revised 473  
Code. 474

Sec. 5103.603. The director of job and family services 475  
shall issue a certificate to a person to operate a residential 476  
infant care center as follows: 477

(A) Pursuant to division (A) of section 5103.602 of the 478

Revised Code if the center complies with all of the requirements 479  
under sections 5103.608 to 5103.6012 of the Revised Code and, if 480  
applicable, all of the rules adopted under section 5103.6018 of 481  
the Revised Code; 482

(B) (1) Pursuant to division (B) of section 5103.602 of the 483  
Revised Code if the center is in compliance with all of the 484  
requirements under sections 5103.608 to 5103.6012 of the Revised 485  
Code and rules adopted under division (H) of section 5103.13 of 486  
the Revised Code, except the rules described in division (B) of 487  
section 5103.6011 of the Revised Code, on the effective date of 488  
this section. 489

(2) If the director of job and family services adopts 490  
rules under section 5103.6018 of the Revised Code, a center 491  
issued a certificate under division (B) (1) of this section shall 492  
comply with those rules rather than the rules adopted under 493  
division (H) of section 5103.13 of the Revised Code. 494

**Sec. 5103.608.** An infant is eligible to be placed in a 495  
residential infant care center if one of the following applies: 496

(A) The infant was born substance exposed and requires 497  
additional care. 498

(B) The infant's parent or caretaker requires additional 499  
education and support services regarding care for the infant. 500

(C) A public children services agency or private child 501  
placing agency requires additional time to determine placement 502  
of the infant. 503

**Sec. 5103.609.** (A) A residential infant care center may 504  
provide residential care for up to ninety consecutive days to an 505  
infant placed by any of the following with legal custody of the 506  
infant: 507

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|--|--------------------------|
| <u>(1) A parent, guardian, or legal custodian;</u>   | 508                      |
| <u>(2) A public children services agency;</u>  | 509                      |
| <u>(3) A private child placing agency.</u>   | 510                      |
| <u>(B) As used in this section, "legal custody" has the same meaning as in section 2151.011 of the Revised Code.</u>   | 511<br>512               |
| <u><b>Sec. 5103.6010.</b> A residential infant care center shall do the following:</u>   | 513<br>514               |
| <u>(A) If using medication to treat infants, hold a terminal distributor of dangerous drugs license issued by the state board of pharmacy under section 4729.54 of the Revised Code.</u>                                   | 515<br>516<br>517        |
| <u>(B) Comply, except as otherwise provided in this section and section 5103.6011 of the Revised Code, with all requirements under rule 5101:2-9-02 of the Administrative Code;</u>  | 518<br>519<br>520        |
| <u>(C) Develop a plan of safe care in accordance with the "Comprehensive Addiction and Recovery Act of 2016," Pub. L. No. 114-198, for an infant born substance exposed as follows:</u>                                    | 521<br>522<br>523        |
| <u>(1) Assist with the health and substance use disorder treatment needs of the infant and affected family or caregiver;</u>   | 524<br>525               |
| <u>(2) Develop and implement a program to monitor, support, and connect affected families or caregivers through the provision of and referral to appropriate services for the infant and affected family or caregiver.</u> | 526<br>527<br>528<br>529 |
| <u>(D) Develop and implement a program for parents and caregivers that, either individually or in a group setting, teaches parenting skills, bonding, and caring for the infant's special needs.</u>                       | 530<br>531<br>532<br>533 |
| <u>(E) Require both of the following:</u>  | 534                      |

(1) Child-care staff, volunteers, and interns in positions 535  
responsible for the daily direct care or supervision of children 536  
to be at least eighteen years old and have a high school diploma 537  
or certificate of high school equivalence; 538

(2) Volunteers and interns who are under twenty-one years 539  
of age to be supervised. 540

(F) Request a criminal records check with respect to 541  
volunteers and interns in accordance with section 2151.86 of the 542  
Revised Code; 543

(G) Employ registered nurses, patient care assistants, or 544  
licensed professional nurses to meet required child-to-staff 545  
ratios; 546

(H) Require the center's peer supporter, family advocate, 547  
licensed social worker, licensed independent social worker, 548  
licensed professional counselor, or licensed professional 549  
clinical counselor to do the following: 550

(1) Provide wraparound services to affected family and 551  
caregivers; 552

(2) Coordinate and cooperate with any transferring 553  
hospital, public children services agency, and private child 554  
placing agency; 555

(3) Refer affected families or caregivers to appropriate 556  
community agencies and services for support and aftercare; 557

(4) Follow up with affected families and caregivers 558  
following the infant's discharge. 559

(I) (1) Encourage employee-supervised dyad care and permit 560  
one of the infant's parents or caregivers to room-in with the 561  
infant for bonding and education; 562

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| <u>(2) Provide the following for dyad care and rooming-in:</u>  | 563 |
| <u>(a) A single bed and all necessary bed sheets, pillow cases, pillows, and blankets;</u>  | 564 |
| <u>(b) All meals and snacks, which shall be provided in a designated family kitchen area if the center has such an area;</u>  | 565 |
| <u>(c) A minimum of one private shower and toilet for the use of the parents or caregivers who are rooming-in.</u>  | 566 |
| <u>(3) Notify the parent or caregiver that the center's rules and policies shall be followed or rooming-in may be restricted or canceled.</u>   | 567 |
| <u>(J) Have one bathing room for every six infants that includes a minimum of one hip level bathtub with hot and cold water, one changing station, and a door with a full-length glass window for safety and observation;</u> | 570 |
| <u>(K) Meet the child-to-staff ratio of at least one awake child-care staff on duty at all times for every five infants;</u>  | 571 |
| <u>(L) Use cribs and other infant sleep products that meet the United States consumer product safety commission's safety standards for safe sleep;</u>  | 572 |
| <u>(M) Follow the department of health's safe sleep education program recommendations established under section 3701.66 of the Revised Code.</u>  | 573 |
| <u>Sec. 5103.6011. (A) A residential infant care center shall not be required to do the following:</u>  | 574 |
| <u>(1) Provide toilets or potty chairs for infants.</u>   | 575 |
| <u>(2) Comply with the following rules:</u>   | 576 |
| <u>(a) Paragraph (E) of rule 5101:2-5-09 of the</u>   | 577 |
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| <u>Administrative Code.</u>  | 590                      |
| <u>(b) Paragraphs (N) and (P) to (R) of rule 5101:2-9-03 of the Administrative Code.</u>   | 591<br>592               |
| <u>(c) Rule 5101:2-9-19 of the Administrative Code.</u>  | 593                      |
| <u>(d) Paragraphs (A) to (H) of rule 5101:2-9-20 of the Administrative Code.</u>   | 594<br>595               |
| <u>(e) Rules 5101:2-9-21 and 5101:2-9-22 of the Administrative Code.</u>   | 596<br>597               |
| <u>(f) Paragraphs (D) to (F) of rule 5101:2-9-26 of the Administrative Code.</u>   | 598<br>599               |
| <u>(g) Paragraphs (B), (D), (F), (G), (J), (K), (M) to (O), and (S) of rule 5101:2-9-28 of the Administrative Code.</u>  | 600<br>601               |
| <u>(h) Rules 5101:2-9-29, 5101:2-9-38, and 5101:2-9-40 of the Administrative Code.</u>   | 602<br>603               |
| <u>(3) Require registered nurses and licensed professional nurses employed by the center to comply with the requirements under paragraph (M) (3) of rule 5101:2-9-02 and paragraphs (J) to (L) of rule 5101:2-9-03 of the Administrative Code.</u> | 604<br>605<br>606<br>607 |
| <u>(B) The provisions of this section do not apply on and after the date the department of job and family services adopts rules regarding certification under section 5103.6018 of the Revised Code.</u>   | 608<br>609<br>610<br>611 |
| <u><b>Sec. 5103.6012.</b> A residential infant care center shall not count volunteers or interns to meet child-to-staff ratios, except for in emergency situations, including an extremely ill staff member.</u>                                   | 612<br>613<br>614<br>615 |
| <u><b>Sec. 5103.6015.</b> The department of job and family services</u>  | 616                      |

may apply to the United States secretary of health and human 617  
services for a federal grant under the "Child Abuse Prevention 618  
and Treatment Act," 42 U.S.C. 5116, and the "Family First 619  
Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741 to 620  
assist residential infant care centers certified under section 621  
5103.603 of the Revised Code in providing temporary residential 622  
and other care to infants. 623

**Sec. ~~5103.132~~ 5103.6016.** (A) As used in this section, 624  
"firearm" has the same meaning as in section 2923.11 of the 625  
Revised Code. 626

(B) ~~A children's crisis care facility that has as its~~ 627  
~~primary purpose the provision of residential and other care to~~ 628  
~~infants who are born drug exposed and~~ residential infant care 629  
center that regularly maintains on its premises schedule II 630  
controlled substances, as defined in section 3719.01 of the 631  
Revised Code, may do both of the following: 632

(1) Maintain firearms at the facility; 633

(2) Permit security personnel to bear firearms while on 634  
the grounds of the facility. 635

**Sec. 5103.6017.** The director of job and family services 636  
may suspend or revoke a residential infant care center's 637  
certificate pursuant to Chapter 119. of the Revised Code if the 638  
center violates or fails to comply with any of the requirements 639  
under sections 5103.608 to 5103.6012 of the Revised Code and, as 640  
applicable, the rules adopted under section 5103.6018 of the 641  
Revised Code or division (H) of section 5103.13 of the Revised 642  
Code. 643

**Sec. 5103.6018.** The director of job and family services 644  
shall adopt rules pursuant to Chapter 119. of the Revised Code 645

for the certification of residential infant care centers. 646

Sec. 5103.61. As used in sections 5103.61 to 5103.617 of 647  
the Revised Code, "family preservation center" means a certified 648  
children's crisis care facility or residential infant care 649  
center that has as its primary purpose the preservation of 650  
families. 651

Sec. 5103.611. A person who holds an active license to 652  
operate a children's crisis care facility under section 5103.13 653  
of the Revised Code or a residential infant care center under 654  
section 5103.602 of the Revised Code may apply to the director 655  
of job and family services to obtain a certificate as a family 656  
preservation center under this section. 657

Sec. 5103.612. (A) The director of job and family services 658  
shall certify the person's family preservation center if the 659  
center complies with all of the requirements imposed under 660  
section 5103.614 of the Revised Code and all of the rules 661  
adopted under section 5103.617 of the Revised Code. 662

(B) The director shall not issue a waiver to a person of 663  
compliance with any of the requirements imposed under this 664  
section or any of the rules adopted under section 5103.617 of 665  
the Revised Code. 666

Sec. 5103.614. A certified family preservation center 667  
shall do the following: 668

(A) Obtain and maintain accreditation under the commission 669  
on accreditation of rehabilitation facilities, the joint 670  
commission on accreditation of healthcare organizations, or the 671  
council on accreditation for children and family services; 672

(B) Obtain and maintain certification by the Ohio 673  
department of mental health and addiction services; 674



(C) Provide family preservation programs informed by 675  
evidence-based or promising practices, including all of the 676  
following: 677

(1) Family case management; 678

(2) Service referral and linkage; 679

(3) Parent education; 680

(4) Trauma screening and healing-centered interventions. 681

Sec. 5103.615. The director of job and family services may 682  
suspend or revoke a family preservation center's certificate 683  
pursuant to Chapter 119. of the Revised Code if the center 684  
violates or fails to comply with section 5103.614 of the Revised 685  
Code or any of the rules adopted under section 5103.617 of the 686  
Revised Code. 687

Sec. 5103.617. Not later than ninety days after the 688  
effective date of this section, the director of job and family 689  
services shall adopt rules pursuant to Chapter 119. of the 690  
Revised Code for the certification of family preservation 691  
centers. 692

Sec. 5321.03. (A) Notwithstanding section 5321.02 of the 693  
Revised Code, a landlord may bring an action under Chapter 1923. 694  
of the Revised Code for possession of the premises if: 695

(1) The tenant is in default in the payment of rent; 696

(2) The violation of the applicable building, housing, 697  
health, or safety code that the tenant complained of was 698  
primarily caused by any act or lack of reasonable care by the 699  
tenant, or by any other person in the tenant's household, or by 700  
anyone on the premises with the consent of the tenant; 701

(3) Compliance with the applicable building, housing, health, or safety code would require alteration, remodeling, or demolition of the premises which would effectively deprive the tenant of the use of the dwelling unit;

(4) A tenant is holding over the tenant's term.

(5) The residential premises are located within one thousand feet of any school premises ~~or, preschool~~ or child day-care center premises, children's crisis care facility premises, or residential infant care center premises, and both of the following apply regarding the tenant or other occupant who resides in or occupies the premises:

(a) The tenant's or other occupant's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code.

(b) The state registry of sex offenders and child-victim offenders indicates that the tenant or other occupant was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.

(B) The maintenance of an action by the landlord under this section does not prevent the tenant from recovering damages for any violation by the landlord of the rental agreement or of section 5321.04 of the Revised Code.

(C) This section does not apply to a dwelling unit occupied by a student tenant.

(D) As used in this section, "children's crisis care facility premises" and "residential infant care center premises" have the same meanings as in section 2950.034 of the Revised

Code. 731

**Sec. 5321.051.** (A) (1) No tenant of any residential 732  
premises located within one thousand feet of any school premises 733  
~~or, preschool~~ or child day-care center premises, children's 734  
crisis care facility premises, or residential infant care center 735  
premises shall allow any person to occupy those residential 736  
premises if both of the following apply regarding the person: 737

(a) The person's name appears on the state registry of sex 738  
offenders and child-victim offenders maintained under section 739  
2950.13 of the Revised Code. 740

(b) The state registry of sex offenders and child-victim 741  
offenders indicates that the person was convicted of or pleaded 742  
guilty to either a sexually oriented offense that is not a 743  
registration-exempt sexually oriented offense or a child-victim 744  
oriented offense in a criminal prosecution and was not sentenced 745  
to a serious youthful offender dispositional sentence for that 746  
offense. 747

(2) If a tenant allows occupancy in violation of this 748  
section or a person establishes a residence or occupies 749  
residential premises in violation of section 2950.034 of the 750  
Revised Code, the landlord for the residential premises that are 751  
the subject of the rental agreement or other tenancy may 752  
terminate the rental agreement or other tenancy of the tenant 753  
and all other occupants. 754

(B) If a landlord is authorized to terminate a rental 755  
agreement or other tenancy pursuant to division (A) of this 756  
section but does not so terminate the rental agreement or other 757  
tenancy, the landlord is not liable in a tort or other civil 758  
action in damages for any injury, death, or loss to person or 759

property that allegedly results from that decision. 760

(C) As used in this section, "children's crisis care 761  
facility premises" and "residential infant care center premises" 762  
have the same meanings as in section 2950.034 of the Revised 763  
Code. 764

**Section 2.** That existing sections 1923.02, 2950.034, 765  
5103.13, 5103.131, 5103.132, 5321.03, and 5321.051 of the 766  
Revised Code are hereby repealed. 767