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134th General Assembly

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Sub. H. B. No. 6

Representative Roemer

Cosponsors: Representatives Cross, Riedel, Seitz, Young, T., Wiggam, John, Callender, Creech, Dean, Fowler Arthur, Grendell, Russo, Abrams, Brent, Carruthers, Click, Crossman, Fraizer, Galonski, Gross, Hillyer, Hoops, Householder, Jarrells, Jones, Lanese, Lightbody, Lipps, Miller, A., O'Brien, Plummer, Ray, Schmidt, Sheehy, Sobecki, Stephens, Weinstein, White, Young, B., Speaker Cupp

A BILL

To amend sections 3319.221, 4729.41, 4729.92, 1
4729.921, 4731.512, and 4928.66 and to enact 2
sections 4729.42 and 4928.661 of the Revised 3
Code and to amend Section 30 of H.B. 197 of the 4
133rd General Assembly to modify the laws 5
governing certain health professionals and 6
educator preparation programs due to COVID-19 7
and other circumstances and to modify the 8
electric utility laws regarding energy 9
efficiency programs; to amend the version of 10
section 4729.92 of the Revised Code that is 11
scheduled to take effect on October 9, 2021, to 12
continue the changes to that section on and 13
after that date; and to declare an emergency. 14

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

Section 1. That sections 3319.221, 4729.41, 4729.92, 15

4729.921, 4731.512, and 4928.66 be amended and sections 4729.42 16
and 4928.661 of the Revised Code be enacted to read as follows: 17

Sec. 3319.221. (A) The state board of education, the 18
department of education, any city, local, exempted village, and 19
joint vocational school district board of education, and any 20
other public school, as defined in section 3301.0711 of the 21
Revised Code, shall not require a separate pupil services 22
license issued by the state board as a credential for working in 23
a public school, on either a permanent basis or a substitute or 24
other temporary basis, for the following licensed professionals: 25

(1) A speech-language pathologist who holds a currently 26
valid license issued under Chapter 4753. of the Revised Code; 27

(2) An audiologist who holds a currently valid license 28
issued under Chapter 4753. of the Revised Code; 29

(3) A registered nurse who holds a bachelor's degree ~~in-~~ 30
~~nursing~~ and a currently valid license issued under Chapter 4723. 31
of the Revised Code; 32

(4) A physical therapist who holds a currently valid 33
license issued under Chapter 4755. of the Revised Code; 34

(5) An occupational therapist who holds a currently valid 35
license issued under Chapter 4755. of the Revised Code; 36

(6) A physical therapy assistant who holds a currently 37
valid license issued under Chapter 4755. of the Revised Code; 38

(7) An occupational therapy assistant who holds a 39
currently valid license issued under Chapter 4755. of the 40
Revised Code; 41

(8) A social worker who holds a currently valid license 42
issued under Chapter 4757. of the Revised Code. 43

(B) A person employed by a school district or school for 44
any of the occupations listed in divisions (A) (1) to (8) of this 45
section shall be required to apply for and receive a 46
registration from the department of education. The registration 47
shall be valid for five years. As a condition of registration 48
under this section, an individual shall be subject to a criminal 49
records check as prescribed by section 3319.391 of the Revised 50
Code. In the manner prescribed by the department, the individual 51
shall submit the criminal records check to the department. The 52
department shall use the information submitted to enroll the 53
individual in the retained applicant fingerprint database, 54
established under section 109.5721 of the Revised Code, in the 55
same manner as any teacher licensed under sections 3319.22 to 56
3319.31 of the Revised Code. 57

If the department receives notification of the arrest or 58
conviction of an individual registered under division (B) of 59
this section, the department shall promptly notify the employing 60
district and may take any action authorized under sections 61
3319.31 and 3319.311 of the Revised Code that it considers 62
appropriate. No district shall employ any individual under 63
division (A) of this section if the district learns that the 64
individual has plead guilty to, has been found guilty by a jury 65
or court of, or has been convicted of any of the offenses listed 66
in division (C) of section 3319.31 of the Revised Code. 67

(C) The department shall charge a registration fee of one 68
hundred fifty dollars each for the initial registration and one 69
hundred fifty dollars for renewal of the registration. 70

Sec. 4729.41. (A) (1) A pharmacist licensed under this 71
chapter who meets the requirements of division (B) of this 72
section, and a pharmacy intern licensed under this chapter who 73

meets the requirements of division (B) of this section and is 74
working under the direct supervision of a pharmacist who meets 75
the requirements of that division, may do any of the following: 76

~~(a) Administer immunizations for influenza to individuals 77
who are seven years of age or older; 78~~

~~(b) Only pursuant to a prescription, administer to 79
individuals In the case of an individual who are is seven years 80
of age or older but not more than thirteen years of age any of 81
the immunizations included in division (A)(2) of this section; 82
administer to the individual an immunization for any of the 83
following: 84~~

(i) Influenza; 85

(ii) COVID-19; 86

(iii) Any other disease, but only pursuant to a 87
prescription. 88

~~(c) Administer to individuals (b) In the case of an 89
individual who are is thirteen years of age or older any of the 90
immunizations included in division (A)(2) of this section, 91
administer to the individual an immunization for any disease, 92
including an immunization for influenza or COVID-19. 93~~

~~(2) A pharmacist or pharmacy intern may administer in 94
accordance with divisions (A)(1)(b) and (c) of this section 95
either of the following: 96~~

~~(a) Any immunization that on March 19, 2015, is included 97
in either of the following immunization schedules recommended by 98
the advisory committee on immunization practices of the centers 99
for disease control and prevention in the United States 100
department of health and human services: 101~~

(i) The recommended immunization schedule for persons aged zero through eighteen years;	102
	103
(ii) The recommended adult immunization schedule.	104
(b) Any other immunization specified in rules adopted under division (E) (1) (d) of this section.	105
	106
(3) As part of engaging in the administration of immunizations or supervising a pharmacy intern's administration of immunizations, a pharmacist may administer epinephrine or diphenhydramine, or both, to individuals in emergency situations resulting from adverse reactions to the immunizations administered by the pharmacist or pharmacy intern.	107
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(B) For a pharmacist or pharmacy intern to be authorized to engage in the administration of immunizations pursuant to division (A) of this section, the pharmacist or pharmacy intern shall do all of the following:	113
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	116
(1) Successfully complete a course in the administration of immunizations that meets the requirements established in rules adopted under this section for such courses;	117
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	119
(2) Receive and maintain certification to perform basic life-support procedures by successfully completing a basic life-support training course that is certified by the American red cross or American heart association or approved by the state board of pharmacy;	120
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	122
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(3) Practice in accordance with a protocol that meets the requirements of division (C) of this section.	125
	126
(C) All of the following apply with respect to the protocol required by division (B) (3) of this section:	127
	128
(1) The protocol shall be established by a physician	129

authorized under Chapter 4731. of the Revised Code to practice 130
medicine and surgery or osteopathic medicine and surgery. 131

(2) The protocol shall specify a definitive set of 132
treatment guidelines and the locations at which a pharmacist or 133
pharmacy intern may engage in the administration of 134
immunizations. 135

(3) The protocol shall satisfy the requirements 136
established in rules adopted under this section for protocols. 137

(4) The protocol shall include provisions for 138
implementation of the following requirements: 139

(a) The pharmacist or pharmacy intern who administers an 140
immunization shall observe the individual who receives the 141
immunization to determine whether the individual has an adverse 142
reaction to the immunization. The length of time and location of 143
the observation shall comply with the rules adopted under this 144
section establishing requirements for protocols. The protocol 145
shall specify procedures to be followed by a pharmacist when 146
administering epinephrine, diphenhydramine, or both, to an 147
individual who has an adverse reaction to an immunization 148
administered by the pharmacist or a pharmacy intern. 149

(b) For each immunization administered to an individual by 150
a pharmacist or pharmacy intern, other than an immunization for 151
influenza administered to an individual eighteen years of age or 152
older, the pharmacist or pharmacy intern shall notify the 153
individual's ~~family physician~~ primary care provider or, if the 154
individual has no ~~family physician~~ primary care provider, the 155
board of health of the health district in which the individual 156
resides or the authority having the duties of a board of health 157
for that district under section 3709.05 of the Revised Code. The 158

notice shall be given not later than thirty days after the 159
immunization is administered. 160

(c) For each immunization administered by a pharmacist or 161
pharmacy intern to an individual younger than eighteen years of 162
~~age pursuant to division (A) (1) of this section,~~ the pharmacist 163
or a pharmacy intern shall obtain permission from the 164
individual's parent or legal guardian in accordance with the 165
procedures specified in rules adopted under this section. 166

(D) (1) No pharmacist shall do either of the following: 167

(a) Engage in the administration of immunizations unless 168
the requirements of division (B) of this section have been met; 169

(b) Delegate to any person the pharmacist's authority to 170
engage in or supervise the administration of immunizations. 171

(2) No pharmacy intern shall engage in the administration 172
of immunizations unless the requirements of division (B) of this 173
section have been met. 174

(E) (1) The state board of pharmacy shall adopt rules to 175
implement this section. The rules shall be adopted in accordance 176
with Chapter 119. of the Revised Code and shall include the 177
following: 178

(a) Requirements for courses in administration of 179
immunizations, including requirements that are consistent with 180
any standards established for such courses by the centers for 181
disease control and prevention; 182

(b) Requirements for protocols to be followed by 183
pharmacists and pharmacy interns in engaging in the 184
administration of immunizations; 185

(c) Procedures to be followed by pharmacists and pharmacy 186

interns in obtaining from the individual's parent or legal 187
guardian permission to administer immunizations to an individual 188
younger than eighteen years of age ~~pursuant to division (A) (1)~~ 189
~~of this section;~~ 190

~~(d) Provisions specifying any immunizations that may be~~ 191
~~administered under division (A) (2) (b) of this section.~~ 192

(2) Prior to adopting rules regarding requirements for 193
protocols to be followed by pharmacists and pharmacy interns in 194
engaging in the administration of immunizations, the state board 195
of pharmacy shall consult with the state medical board and the 196
board of nursing. 197

~~(3) Prior to adopting rules specifying any immunizations~~ 198
~~that may be administered under division (A) (2) (b) of this~~ 199
~~section, the state board of pharmacy shall consult with the~~ 200
~~state medical board.~~ 201

~~(F) In addition to the rules it adopts under division (E)~~ 202
~~of this section, the state board of pharmacy may adopt rules~~ 203
~~that change the immunizations authorized by division (A) (2) (a)~~ 204
~~of this section to reflect changes in the recommendations of the~~ 205
~~advisory committee on immunization practices. The rules shall be~~ 206
~~adopted in accordance with Chapter 119. of the Revised Code.~~ 207

Sec. 4729.42. (A) A pharmacist may order and administer 208
diagnostic tests for COVID-19 and tests for COVID-19 antibodies. 209

(B) Both of the following may, under the direct 210
supervision of a pharmacist, administer diagnostic tests for 211
COVID-19 and tests for COVID-19 antibodies: 212

(1) A pharmacy intern; 213

(2) A certified pharmacy technician. 214

Sec. 4729.92. (A) An applicant for registration as a 215
pharmacy technician trainee shall: 216

(1) ~~Comply~~ Except as provided in section 4729.921 of the 217
Revised Code, comply with divisions (B)(1)(a) to (c) of section 218
4729.90 of the Revised Code; 219

(2) Be enrolled in or plan to enroll in education and 220
training that will allow the applicant to meet the requirements 221
established by the state board of pharmacy in rules adopted 222
under section 4729.94 of the Revised Code; 223

(3) Comply with sections 4776.01 to 4776.04 of the Revised 224
Code. 225

(B) A pharmacist or pharmacy intern whose license has been 226
denied, revoked, suspended, or otherwise restricted by the board 227
shall not be registered as a pharmacy technician trainee. 228

Sec. 4729.921. An applicant for registration as a pharmacy 229
technician trainee shall file with the state board of pharmacy 230
an application in the form and manner prescribed in rules 231
adopted under section 4729.94 of the Revised Code. The 232
application shall be accompanied by an application fee of 233
twenty-five dollars, which shall not be returned if the 234
applicant fails to qualify for registration. 235

If the board is satisfied that an applicant meets the 236
requirements of section 4729.92 of the Revised Code and any 237
additional requirements established by the board and determines 238
that the results of a criminal records check do not make the 239
applicant ineligible, the board shall register the applicant as 240
a pharmacy technician trainee. 241

The board may register as a pharmacy technician trainee an 242
applicant who is seventeen years of age and does not possess a 243

high school diploma or certificate of high school equivalence if 244
the applicant is enrolled in a career-technical school program 245
that is approved by the board and conducted by a city, exempted 246
village, local, or joint vocational school district. 247

The board shall register as a pharmacy technician trainee 248
in accordance with section 9.79 of the Revised Code an applicant 249
who either holds a license or is registered in another state or 250
has satisfactory work experience, a government certification, or 251
a private certification as described in that section as a 252
pharmacy technician trainee in a state that does not issue that 253
license or registration. 254

Registration is valid for one year from the date of 255
registration, except that the board may extend the time period 256
for which registration is valid. Registration is not renewable, 257
but an individual may reapply for registration if the 258
individual's previous registration has lapsed for more than five 259
years or the board grants its approval. 260

Sec. 4731.512. A podiatrist may administer ~~influenza-~~ 261
~~vaccinations~~ to individuals who are seven years of age or older 262
vaccinations against both of the following: 263

(A) Influenza; 264

(B) COVID-19. 265

Sec. 4928.66. (A) (1) (a) Beginning in 2009, an electric 266
distribution utility shall implement energy efficiency programs 267
that achieve energy savings equivalent to at least three-tenths 268
of one per cent of the total, annual average, and normalized 269
kilowatt-hour sales of the electric distribution utility during 270
the preceding three calendar years to customers in this state. 271
An energy efficiency program may include a combined heat and 272

power system placed into service or retrofitted on or after the 273
effective date of the amendment of this section by S.B. 315 of 274
the 129th general assembly, September 10, 2012, or a waste 275
energy recovery system placed into service or retrofitted on or 276
after September 10, 2012, except that a waste energy recovery 277
system described in division (A) (38) (b) of section 4928.01 of 278
the Revised Code may be included only if it was placed into 279
service between January 1, 2002, and December 31, 2004. For a 280
waste energy recovery or combined heat and power system, the 281
savings shall be as estimated by the public utilities 282
commission. The savings requirement, using such a three-year 283
average, shall increase to an additional five-tenths of one per 284
cent in 2010, seven-tenths of one per cent in 2011, eight-tenths 285
of one per cent in 2012, nine-tenths of one per cent in 2013, 286
and one per cent in 2014. In 2015 and 2016, an electric 287
distribution utility shall achieve energy savings equal to the 288
result of subtracting the cumulative energy savings achieved 289
since 2009 from the product of multiplying the baseline for 290
energy savings, described in division (A) (2) (a) of this section, 291
by four and two-tenths of one per cent. If the result is zero or 292
less for the year for which the calculation is being made, the 293
utility shall not be required to achieve additional energy 294
savings for that year, but may achieve additional energy savings 295
for that year. The annual savings requirements shall be, for 296
years 2017, 2018, 2019, and 2020, an additional one per cent of 297
the baseline. For purposes of a waste energy recovery or 298
combined heat and power system, an electric distribution utility 299
shall not apply more than the total annual percentage of the 300
electric distribution utility's industrial-customer load, 301
relative to the electric distribution utility's total load, to 302
the annual energy savings requirement. 303

(b) Beginning in 2009, an electric distribution utility 304
shall implement peak demand reduction programs designed to 305
achieve a one per cent reduction in peak demand in 2009 and an 306
additional seventy-five hundredths of one per cent reduction 307
each year through 2014. In 2015 and 2016, an electric 308
distribution utility shall achieve a reduction in peak demand 309
equal to the result of subtracting the cumulative peak demand 310
reductions achieved since 2009 from the product of multiplying 311
the baseline for peak demand reduction, described in division 312
(A) (2) (a) of this section, by four and seventy-five hundredths 313
of one per cent. If the result is zero or less for the year for 314
which the calculation is being made, the utility shall not be 315
required to achieve an additional reduction in peak demand for 316
that year, but may achieve an additional reduction in peak 317
demand for that year. In 2017 and each year thereafter through 318
2020, the utility shall achieve an additional seventy-five 319
hundredths of one per cent reduction in peak demand. 320

(2) For the purposes of divisions (A) (1) (a) and (b) of 321
this section: 322

(a) The baseline for energy savings under division (A) (1) 323
(a) of this section shall be the average of the total kilowatt 324
hours the electric distribution utility sold in the preceding 325
three calendar years. The baseline for a peak demand reduction 326
under division (A) (1) (b) of this section shall be the average 327
peak demand on the utility in the preceding three calendar 328
years, except that the commission may reduce either baseline to 329
adjust for new economic growth in the utility's certified 330
territory. Neither baseline shall include the load and usage of 331
any of the following customers: 332

(i) Beginning January 1, 2017, a customer for which a 333

reasonable arrangement has been approved under section 4905.31 334
of the Revised Code; 335

(ii) A customer that has opted out of the utility's 336
portfolio plan under section 4928.6611 of the Revised Code; 337

(iii) A customer that has opted out of the utility's 338
portfolio plan under Section 8 of S.B. 310 of the 130th general 339
assembly. 340

(b) The commission may amend the benchmarks set forth in 341
division (A) (1) (a) or (b) of this section if, after application 342
by the electric distribution utility, the commission determines 343
that the amendment is necessary because the utility cannot 344
reasonably achieve the benchmarks due to regulatory, economic, 345
or technological reasons beyond its reasonable control. 346

(c) Compliance with divisions (A) (1) (a) and (b) of this 347
section shall be measured by including the effects of all 348
demand-response programs for mercantile customers of the subject 349
electric distribution utility, all waste energy recovery systems 350
and all combined heat and power systems, and all such mercantile 351
customer-sited energy efficiency, including waste energy 352
recovery and combined heat and power, and peak demand reduction 353
programs, adjusted upward by the appropriate loss factors. Any 354
mechanism designed to recover the cost of energy efficiency, 355
including waste energy recovery and combined heat and power, and 356
peak demand reduction programs under divisions (A) (1) (a) and (b) 357
of this section may exempt mercantile customers that commit 358
their demand-response or other customer-sited capabilities, 359
whether existing or new, for integration into the electric 360
distribution utility's demand-response, energy efficiency, 361
including waste energy recovery and combined heat and power, or 362
peak demand reduction programs, if the commission determines 363

that that exemption reasonably encourages such customers to 364
commit those capabilities to those programs. If a mercantile 365
customer makes such existing or new demand-response, energy 366
efficiency, including waste energy recovery and combined heat 367
and power, or peak demand reduction capability available to an 368
electric distribution utility pursuant to division (A)(2)(c) of 369
this section, the electric utility's baseline under division (A)
(2)(a) of this section shall be adjusted to exclude the effects 370
of all such demand-response, energy efficiency, including waste 371
energy recovery and combined heat and power, or peak demand 372
reduction programs that may have existed during the period used 373
to establish the baseline. The baseline also shall be normalized 374
for changes in numbers of customers, sales, weather, peak 375
demand, and other appropriate factors so that the compliance 376
measurement is not unduly influenced by factors outside the 377
control of the electric distribution utility. 378
379

(d)(i) Programs implemented by a utility may include the 380
following: 381

(I) Demand-response programs; 382

(II) Smart grid investment programs, provided that such 383
programs are demonstrated to be cost-beneficial; 384

(III) Customer-sited programs, including waste energy 385
recovery and combined heat and power systems; 386

(IV) Transmission and distribution infrastructure 387
improvements that reduce line losses; 388

(V) Energy efficiency savings and peak demand reduction 389
that are achieved, in whole or in part, as a result of funding 390
provided from the universal service fund established by section 391
4928.51 of the Revised Code to benefit low-income customers 392

through programs that include, but are not limited to, energy 393
audits, the installation of energy efficiency insulation, 394
appliances, and windows, and other weatherization measures. 395

(ii) No energy efficiency or peak demand reduction 396
achieved under divisions (A) (2) (d) (i) (IV) and (V) of this 397
section shall qualify for shared savings. 398

(iii) Division (A) (2) (c) of this section shall be applied 399
to include facilitating efforts by a mercantile customer or 400
group of those customers to offer customer-sited demand- 401
response, energy efficiency, including waste energy recovery and 402
combined heat and power, or peak demand reduction capabilities 403
to the electric distribution utility as part of a reasonable 404
arrangement submitted to the commission pursuant to section 405
4905.31 of the Revised Code. 406

(e) No programs or improvements described in division (A) 407
(2) (d) of this section shall conflict with any statewide 408
building code adopted by the board of building standards. 409

(B) In accordance with rules it shall adopt, the public 410
utilities commission shall produce and docket at the commission 411
an annual report containing the results of its verification of 412
the annual levels of energy efficiency and of peak demand 413
reductions achieved by each electric distribution utility 414
pursuant to division (A) of this section. A copy of the report 415
shall be provided to the consumers' counsel. 416

(C) If the commission determines, after notice and 417
opportunity for hearing and based upon its report under division 418
(B) of this section, that an electric distribution utility has 419
failed to comply with an energy efficiency or peak demand 420
reduction requirement of division (A) of this section, the 421

commission shall assess a forfeiture on the utility as provided 422
under sections 4905.55 to 4905.60 and 4905.64 of the Revised 423
Code, either in the amount, per day per undercompliance or 424
noncompliance, relative to the period of the report, equal to 425
that prescribed for noncompliances under section 4905.54 of the 426
Revised Code, or in an amount equal to the then existing market 427
value of one renewable energy credit per megawatt hour of 428
undercompliance or noncompliance. Revenue from any forfeiture 429
assessed under this division shall be deposited to the credit of 430
the advanced energy fund created under section 4928.61 of the 431
Revised Code. 432

(D) The commission may establish rules regarding the 433
content of an application by an electric distribution utility 434
for commission approval of a revenue decoupling mechanism under 435
this division. Such an application shall not be considered an 436
application to increase rates and may be included as part of a 437
proposal to establish, continue, or expand energy efficiency or 438
conservation programs. The commission by order may approve an 439
application under this division if it determines both that the 440
revenue decoupling mechanism provides for the recovery of 441
revenue that otherwise may be forgone by the utility as a result 442
of or in connection with the implementation by the electric 443
distribution utility of any energy efficiency or energy 444
conservation programs and reasonably aligns the interests of the 445
utility and of its customers in favor of those programs. 446

(E) The commission additionally shall adopt rules that 447
require an electric distribution utility to provide a customer 448
upon request with two years' consumption data in an accessible 449
form. 450

(F) (1) As used in divisions (F) (2), (3), and (4) of this 451

section, "portfolio plan" has the same meaning as in division 452
(C) (1) of section 4928.6610 of the Revised Code. 453

(2) If an electric distribution utility has a portfolio 454
plan in effect as of ~~the effective date of the amendments to~~ 455
~~this section by H.B. 6 of the 133rd general assembly October 22,~~ 456
2019, and that plan expires before December 31, 2020, the 457
commission shall extend the plan through that date. All 458
portfolio plans shall terminate on that date. 459

(3) If a portfolio plan is extended beyond its commission 460
approved term by division (F) (2) of this section, the existing 461
plan's budget shall be increased for the extended term to 462
include an amount equal to the annual average of the approved 463
budget for all years of the portfolio plan in effect as of ~~the~~ 464
~~effective date of the amendments to this section by H.B. 6 of~~ 465
~~the 133rd general assembly October 22, 2019.~~ 466

(4) All other terms and conditions of a portfolio plan 467
extended beyond its commission-approved term by division (F) (2) 468
of this section shall remain the same unless changes are 469
authorized by the commission. 470

(G) (1) Not later than February 1, 2021, the commission 471
shall determine the cumulative energy savings collectively 472
achieved, since 2009, by all electric distribution utilities in 473
this state as of December 31, 2020. In determining that 474
cumulative total, the commission shall do both of the following: 475

(a) Include energy savings that were estimated by the 476
commission to be achieved as of December 31, 2020, and banked 477
under division (G) of section 4928.662 of the Revised Code; 478

(b) Use an energy savings baseline that is the average of 479
the total kilowatt hours sold by all electric distribution 480

utilities in this state in the calendar years 2018, 2019, and 481
2020. The baseline shall exclude the load and usage described in 482
division (A) (2) (a) (i), (ii), and (iii) of this section. That 483
baseline may also be reduced for new economic growth in the 484
utility's certified territory as provided in division (A) (2) (a) 485
of this section and adjusted and normalized as provided in 486
division (A) (2) (c) of this section. 487

(2) (a) If the cumulative energy savings collectively 488
achieved as determined by the commission under division (G) (1) 489
of this section is at least seventeen and one-half per cent of 490
the baseline described in division (G) (1) (b) of this section, 491
then full compliance with division (A) (1) (a) of this section 492
shall be deemed to have been achieved notwithstanding any 493
provision of this section to the contrary. 494

(b) If the cumulative energy savings collectively achieved 495
as determined by the commission under division (G) (1) of this 496
section is less than seventeen and one-half per cent of the 497
baseline described in division (G) (1) (b) of this section, then 498
both of the following shall apply: 499

(i) The commission shall determine the manner in which 500
further implementation of energy efficiency programs shall occur 501
as may be reasonably necessary for collective achievement of 502
cumulative energy savings equal to seventeen and one-half 503
~~percent~~per cent, and not more, of the baseline described in 504
division (G) (1) (b) of this section. 505

(ii) Full compliance with division (A) (1) (a) of this 506
section shall be deemed to be achieved as of a date certain 507
established by the commission notwithstanding any provision of 508
this section to the contrary. 509

(3) Upon the date that full compliance with division (A) 510
(1) (a) of this section is deemed achieved under division (G) (2) 511
(a) or (b) of this section, any electric distribution utility 512
cost recovery mechanisms authorized by the commission for 513
compliance with this section shall terminate except as may be 514
necessary to reconcile the difference between revenue collected 515
and the allowable cost of compliance associated with compliance 516
efforts occurring prior to December 31, 2021, for programs re- 517
established under section 4928.661 of the Revised Code, and 518
prior to the date upon which full compliance with division (A) 519
(1) (a) of this section is deemed achieved, for all other 520
compliance efforts. No such cost recovery mechanism shall be 521
authorized by the commission beyond the period of time required 522
to complete this final reconciliation. 523

Sec. 4928.661. (A) If an electric distribution utility had 524
a portfolio plan that terminated on December 31, 2020, pursuant 525
to division (F) of section 4928.66 of the Revised Code and 526
included a program that benefited, and was limited to, low- 527
income customers with an annual income at or below two hundred 528
per cent of the federal poverty level, the utility shall re- 529
establish the part of the portfolio plan that included the low- 530
income program. The portfolio plan program re-established under 531
this section shall include the same terms and conditions that 532
the public utilities commission approved for the low-income 533
program as it existed prior to the portfolio plan's termination, 534
including the funding level originally allocated to the program. 535

(B) A portfolio plan program re-established under division 536
(A) of this section shall terminate on December 31, 2021. 537

(C) The commission shall issue an order requiring electric 538
distribution utilities to re-establish the portfolio plan 539

programs described in division (A) of this section and setting 540
forth the process for their re-establishment. The order shall 541
not authorize the implementation of any new cost recovery 542
mechanisms for these programs or extensions of any cost recovery 543
mechanisms that existed before the programs described in 544
division (A) of this section were re-established. 545

Section 2. That existing sections 3319.221, 4729.41, 546
4729.92, 4729.921, 4731.512, and 4928.66 of the Revised Code are 547
hereby repealed. 548

Section 3. That the version of section 4729.92 of the 549
Revised Code that is scheduled to take effect October 9, 2021, 550
be amended to read as follows: 551

Sec. 4729.92. (A) An applicant for registration as a 552
pharmacy technician trainee shall: 553

(1) ~~Comply~~ Except as provided in section 4729.921 of the 554
Revised Code, comply with divisions (A) (1) (a) and (b) of section 555
4729.90 of the Revised Code; 556

(2) Be enrolled in or plan to enroll in education and 557
training that will allow the applicant to meet the requirements 558
established by the state board of pharmacy in rules adopted 559
under section 4729.94 of the Revised Code; 560

(3) Comply with sections 4776.01 to 4776.04 of the Revised 561
Code. 562

(B) A pharmacist or pharmacy intern whose license has been 563
denied, revoked, suspended, or otherwise restricted by the board 564
shall not be registered as a pharmacy technician trainee. 565

Section 4. That the existing version of section 4729.92 of 566
the Revised Code that is scheduled to take effect October 9, 567

2021, is hereby repealed. 568

Section 5. Sections 3 and 4 of this act take effect 569
October 9, 2021. 570

Section 6. That Section 30 of H.B. 197 of the 133rd 571
General Assembly be amended to read as follows: 572

Sec. 30. (A) During the period ~~of beginning on the date~~ 573
that the emergency declared by Executive Order 2020-01D, was 574
issued on, March 9, 2020, and ending on July 1, 2021, the 575
requirement of division (A) (2) (a) of section 4723.09 of the 576
Revised Code is suspended. Accordingly, during such period, the 577
Board of Nursing shall grant to an applicant described in 578
division (A) of section 4723.09 of the Revised Code a temporary 579
license to practice nursing as a registered nurse or as a 580
licensed practical nurse if the conditions of divisions (A) (1) 581
and (A) (2) (b) to (d) of section 4723.09 of the Revised Code have 582
been met and the applicant is not ineligible as described in 583
division (C) of this section. 584

(B) A temporary license issued under this section ~~shall be~~ 585
is valid until whichever of the following dates occurs first: 586

~~(1) The date that is ninety days after December 1, 2020;~~ 587

~~(2) The date that is ninety days after the duration of the~~ 588
~~period of the emergency described in division (A) of this~~ 589
~~section~~ July 1, 2021. 590

(C) An individual is not eligible for a temporary license 591
issued under this section if any of the following is the case: 592

(1) The individual has previously taken and failed the 593
examination for licensure to practice as a registered nurse or 594
as a licensed practical nurse. 595

(2) A criminal records check conducted in accordance with 596
section 4723.091 of the Revised Code indicates that the 597
individual has been convicted of, pleaded guilty to, or had a 598
judicial finding of guilt for, any felony. 599

(3) The individual has taken a drug test and failed that 600
test, as determined by the Board. 601

(4) The individual successfully completed an education 602
program or course described in division (C) of section 4723.09 603
of the Revised Code more than two years before submitting an 604
application subject to this section. 605

(D) If, while holding a temporary license issued under 606
this section, any of the following occurs, the licensee's 607
temporary license is void and has no effect immediately 608
beginning on the date of the occurrence: 609

(1) The licensee does not take the examination for 610
licensure to practice as a registered nurse or as a licensed 611
practical nurse on or before the date that occurs sixty days 612
after the date the licensee received authorization to test. 613

(2) The licensee fails the examination for licensure to 614
practice as a registered nurse or as a licensed practical nurse. 615

(3) A criminal records check conducted in accordance with 616
section 4723.091 of the Revised Code indicates that the licensee 617
has been convicted of, pleaded guilty to, or had a judicial 618
finding of guilt for, any felony. 619

(4) The licensee fails a drug test, as determined by the 620
Board. 621

(E) Section 11 of H.B. 197 of the 133rd General Assembly, 622
as amended by H.B. 404 and H.B. 614 of the 133rd General 623

Assembly, does not apply to a license issued under this section. 624

Section 7. That existing Section 30 of H.B. 197 of the 133rd General Assembly is hereby repealed. 625
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Section 8. Notwithstanding any provision of law to the contrary, each educator preparation program approved under section 3333.048 of the Revised Code shall develop and implement a plan to provide its students with alternative experiences, assignments, or instruction in the 2021-2022 academic year to make up any hours or weeks of clinical experiences, including field experiences, student teaching, and internship placements, that the students miss due to the Director of Health's order under section 3701.13 of the Revised Code "In re: Order the Closure of All K-12 Schools in the State of Ohio" issued on March 14, 2020, or any local board of health order, and any extension of any order, based on the implications of COVID-19 or due to any other closure of schools or implementation of limited hours based on the implications of COVID-19. The alternative experiences, assignments, or instruction shall allow students to demonstrate mastery of the expected outcomes of clinical experiences. The alternative experiences, assignments, or instruction may include virtual learning, designing lessons and units of instruction, selecting and implementing instructional strategies, teaching lessons and content, assessing learning to evaluate student progress and inform instructional decisions, creating a supportive learning environment, managing the classroom effectively, and other appropriate activities. The Department of Higher Education and the Department of Education shall consider a student who successfully completes make up hours or weeks in the 2021-2022 academic year using alternative experiences, assignments, or instruction eligible for licensure and endorsement recommendations in the same manner as a student 627
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who completes clinical experiences. This section does not apply 655
to a barber school licensed under Chapter 4709. of the Revised 656
Code or a school of cosmetology licensed under Chapter 4713. of 657
the Revised Code. 658

Section 9. Section 4729.41 of the Revised Code is 659
presented in this act as a composite of the section as amended 660
by both H.B. 101 and H.B. 541 of the 132nd General Assembly. The 661
General Assembly, applying the principle stated in division (B) 662
of section 1.52 of the Revised Code that amendments are to be 663
harmonized if reasonably capable of simultaneous operation, 664
finds that the composite is the resulting version of the section 665
in effect prior to the effective date of the section as 666
presented in this act. 667

Section 10. This act is hereby declared to be an emergency 668
measure necessary for the immediate preservation of the public 669
peace, health, and safety. The reason for such necessity is to 670
take measures in response to the declared pandemic and global 671
health emergency related to COVID-19 and to re-establish 672
recently terminated energy efficiency programs in order to allow 673
low-income customers to benefit from energy efficiency savings 674
and to permit electric distribution utilities to reconcile costs 675
related to such programs. Therefore, this act shall go into 676
immediate effect. 677