

**As Reported by the House State and Local Government Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 6**

**Representative Roemer**

**Cosponsors: Representatives Cross, Riedel, Seitz, Young, T., Wiggam, John,  
Callender, Creech, Dean, Fowler Arthur, Grendell, Russo**

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**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

<del>(a) Administer immunizations for influenza to individuals</del>	77
<del>who are seven years of age or older;</del>	78
<del>(b) Only pursuant to a prescription, administer to</del>	79
<del>individuals</del> <u>In the case of an individual who are is seven years</u>	80
<u>of age or older but not more than thirteen years of age</u> <del>any of</del>	81
<del>the immunizations included in division (A) (2) of this section,</del>	82
<u>administer to the individual an immunization for any of the</u>	83
<u>following:</u>	84
<u>(i) Influenza;</u>	85
<u>(ii) COVID-19;</u>	86
<u>(iii) Any other disease, but only pursuant to a</u>	87
<u>prescription.</u>	88
<del>(c) Administer to individuals</del> <u>(b) In the case of an</u>	89
<u>individual who are is thirteen years of age or older</u> <del>any of the</del>	90
<del>immunizations included in division (A) (2) of this section,</del>	91
<u>administer to the individual an immunization for any disease,</u>	92
<u>including an immunization for influenza or COVID-19.</u>	93
<del>(2) A pharmacist or pharmacy intern may administer in</del>	94
<del>accordance with divisions (A) (1) (b) and (c) of this section</del>	95
<del>either of the following:</del>	96
<del>(a) Any immunization that on March 19, 2015, is included</del>	97
<del>in either of the following immunization schedules recommended by</del>	98
<del>the advisory committee on immunization practices of the centers</del>	99
<del>for disease control and prevention in the United States</del>	100
<del>department of health and human services:</del>	101
<del>(i) The recommended immunization schedule for persons aged</del>	102
<del>zero through eighteen years;</del>	103
<del>(ii) The recommended adult immunization schedule.</del>	104

<del>(b) Any other immunization specified in rules adopted</del>	105
<del>under division (E) (1) (d) of this section.</del>	106
<del>(3) As part of engaging in the administration of</del>	107
immunizations or supervising a pharmacy intern's administration	108
of immunizations, a pharmacist may administer epinephrine or	109
diphenhydramine, or both, to individuals in emergency situations	110
resulting from adverse reactions to the immunizations	111
administered by the pharmacist or pharmacy intern.	112
(B) For a pharmacist or pharmacy intern to be authorized	113
to engage in the administration of immunizations <del>pursuant to</del>	114
<del>division (A) of this section,</del> the pharmacist or pharmacy intern	115
shall do all of the following:	116
(1) Successfully complete a course in the administration	117
of immunizations that meets the requirements established in	118
rules adopted under this section for such courses;	119
(2) Receive and maintain certification to perform basic	120
life-support procedures by successfully completing a basic life-	121
support training course that is certified by the American red	122
cross or American heart association or approved by the state	123
board of pharmacy;	124
(3) Practice in accordance with a protocol that meets the	125
requirements of division (C) of this section.	126
(C) All of the following apply with respect to the	127
protocol required by division (B) (3) of this section:	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

<del>of this section;</del>	190
<del>(d) Provisions specifying any immunizations that may be administered under division (A) (2) (b) of this section.</del>	191 192
(2) Prior to adopting rules regarding requirements for protocols to be followed by pharmacists and pharmacy interns in engaging in the administration of immunizations, the state board of pharmacy shall consult with the state medical board and the board of nursing.	193 194 195 196 197
<del>(3) Prior to adopting rules specifying any immunizations that may be administered under division (A) (2) (b) of this section, the state board of pharmacy shall consult with the state medical board.</del>	198 199 200 201
<del>(F) In addition to the rules it adopts under division (E) of this section, the state board of pharmacy may adopt rules that change the immunizations authorized by division (A) (2) (a) of this section to reflect changes in the recommendations of the advisory committee on immunization practices. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.</del>	202 203 204 205 206 207
<u>Sec. 4729.42. (A) A pharmacist may order and administer diagnostic tests for COVID-19 and tests for COVID-19 antibodies.</u>	208 209
<u>(B) Both of the following may, under the direct supervision of a pharmacist, administer diagnostic tests for COVID-19 and tests for COVID-19 antibodies:</u>	210 211 212
<u>(1) A pharmacy intern;</u>	213
<u>(2) A certified pharmacy technician.</u>	214
<u>Sec. 4729.92. (A) An applicant for registration as a pharmacy technician trainee shall:</u>	215 216

(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 additional seventy-five hundredths of one per cent reduction each year through 2014. In 2015 and 2016, an electric distribution utility shall achieve a reduction in peak demand equal to the result of subtracting the cumulative peak demand reductions achieved since 2009 from the product of multiplying the baseline for peak demand reduction, described in division (A) (2) (a) of this section, by four and seventy-five hundredths of one per cent. If the result is zero or less for the year for which the calculation is being made, the utility shall not be required to achieve an additional reduction in peak demand for that year, but may achieve an additional reduction in peak demand for that year. In 2017 and each year thereafter through 2020, the utility shall achieve an additional seventy-five hundredths of one per cent reduction in peak demand.

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

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

(i) Beginning January 1, 2017, a customer for which a reasonable arrangement has been approved under section 4905.31 of the Revised Code;

(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) 370  
(2) (a) of this section shall be adjusted to exclude the effects 371  
of all such demand-response, energy efficiency, including waste 372  
energy recovery and combined heat and power, or peak demand 373  
reduction programs that may have existed during the period used 374  
to establish the baseline. The baseline also shall be normalized 375  
for changes in numbers of customers, sales, weather, peak 376  
demand, and other appropriate factors so that the compliance 377  
measurement is not unduly influenced by factors outside the 378  
control of the electric distribution utility. 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~~7~~ 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 625

133rd General Assembly is hereby repealed. 626

**Section 8.** Notwithstanding any provision of law to the 627  
contrary, each educator preparation program approved under 628  
section 3333.048 of the Revised Code shall develop and implement 629  
a plan to provide its students with alternative experiences, 630  
assignments, or instruction in the 2021-2022 academic year to 631  
make up any hours or weeks of clinical experiences, including 632  
field experiences, student teaching, and internship placements, 633  
that the students miss due to the Director of Health's order 634  
under section 3701.13 of the Revised Code "In re: Order the 635  
Closure of All K-12 Schools in the State of Ohio" issued on 636  
March 14, 2020, or any local board of health order, and any 637  
extension of any order, based on the implications of COVID-19 or 638  
due to any other closure of schools or implementation of limited 639  
hours based on the implications of COVID-19. The alternative 640  
experiences, assignments, or instruction shall allow students to 641  
demonstrate mastery of the expected outcomes of clinical 642  
experiences. The alternative experiences, assignments, or 643  
instruction may include virtual learning, designing lessons and 644  
units of instruction, selecting and implementing instructional 645  
strategies, teaching lessons and content, assessing learning to 646  
evaluate student progress and inform instructional decisions, 647  
creating a supportive learning environment, managing the 648  
classroom effectively, and other appropriate activities. The 649  
Department of Higher Education and the Department of Education 650  
shall consider a student who successfully completes make up 651  
hours or weeks in the 2021-2022 academic year using alternative 652  
experiences, assignments, or instruction eligible for licensure 653  
and endorsement recommendations in the same manner as a student 654  
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